

CITY PLANNING COMMISSION
CITY OF NEW ORLEANS

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MAYOR

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EXECUTIVE DIRECTOR

LESLIE T. ALLEY
DEPUTY DIRECTOR

City Planning Commission Staff Report

Executive Summary

Zoning Docket 080/19

Applicant: Motion M-19-238

Request: Request by City Council Motion No. M-19-238 for a text amendment to the Comprehensive Zoning Ordinance to restrict outdoor dining and live entertainment in the HMC-1 and HMC-2 Historic Marigny/Tremé/Bywater Commercial Districts, and HM-MU Historic Marigny/Tremé/Bywater Mixed-Use District as follows: Neither outdoor dining nor live entertainment is permitted in any rear yard, front yard, or side yard that abuts a residential district.

Location: The proposed text amendment would apply to the HMC-1, HMC-2, and HM-MU Districts and have the potential to impact properties adjacent to these districts.

Summary of Proposal:

Zoning Docket 080/19 considers a text amendment to the Comprehensive Zoning Ordinance to prohibit outdoor dining and outdoor live entertainment for properties abutting residential districts in the HMC-1 and HMC-2 Districts, and the HM-MU District. Currently, outdoor dining is a permitted accessory use for three types of commercial uses: a bar, a restaurant, and a retail goods establishment that serves food (such as a delicatessen or grocery store). Outdoor dining is currently allowed to encroach into yard areas per Article 21 of the CZO. However, the use standards for outdoor dining per Article 20 prohibit the location of outdoor dining in required yard areas for properties that abut a residential district. Because there are no minimum yard requirements for properties in the Historic Core Nonresidential Districts, which includes the HMC-1, HMC-2, and HM-MU Districts, this current language allows outdoor dining areas in areas directly adjacent to residentially zoned properties.

The staff is supportive of the intent of the proposed amendment related to outdoor dining which seeks to protect adjacent residential properties which may be negatively impacted with the proximity of such activities; however, an outright prohibition of outdoor dining in the applicable districts would be unnecessarily

excessive. The staff believes that proper land use mitigation can be achieved through the adoption of a minimum buffer area between outdoor dining and adjacent residential properties as well as limitations on its hours of operation, similar to those imposed on sidewalk cafes. Therefore, the staff recommends modifications as it relates to the proposed text amendment for outdoor dining.

The City Council Motion also directs the Commission to consider an amendment to prohibit outdoor live entertainment in the HMC-1, HMC-2, HM-MU Districts. The staff finds, however, that such provision is already in place based on the Department of Safety and Permits' recent interpretation of the language in the ordinance related to a closed windows and doors policy for live entertainment. The staff, therefore, recommends minor modifications to the text of the CZO with regard to the use standards for "live entertainment - secondary use" and "reception facility" as well as the definition for "live entertainment - secondary use" in order to codify the interpretation of the zoning ordinance which is currently being enforced. This recommendation does not imply that live entertainment outdoors is inherently inappropriate in all circumstances. Outdoor live entertainment events may still occur through the issuance of special events permits which have a limited time frame, do not vest a land use right, and can be discontinued by the City if problems arise. Staff is also supportive of any future exploration of a revised policy related to outdoor live entertainment, and further study where or in what circumstances such land use would be appropriate or compatible with the surrounding context.

Master Plan:

The proposal to disallow outdoor live entertainment in yards adjacent to residential districts is consistent with the Master Plan. The proposal to disallow outdoor dining adjacent to a residential district is not specifically addressed by the Master Plan, but the CPC staff believes that the activity with reasonable limitations does not conflict with adjacent residential uses.

Recommendation:

The staff recommends **MODIFIED APPROVAL** of Zoning Docket 080/19.

Reasons for Recommendation:

1. The proposed text amendment related to outdoor dining, as modified, would mitigate potential land use incompatibilities that arise between proximate commercial and residential properties and would help to promote the coexistence of various uses within the denser Historic Core Neighborhoods.
2. The proposed amendment to the live entertainment regulations, as modified, would add clarity in regard to recent interpretations made by the Department of Safety and Permits.

**City Planning Commission Meeting
Tuesday, August 13, 2019**

CPC Deadline: 10/12/2019
CC Deadline: 60 days from receipt
City Council District: All

PRELIMINARY STAFF REPORT

Zoning Docket 080/19

To: City Planning Commission

From: Robert Rivers, Executive Director
Paul Cramer, Planning Administrator

Prepared by: Nicolette Jones

Date: August 6, 2019

I. GENERAL INFORMATION

Applicant: Motion M-19-238

Request: Request by City Council Motion No. M-19-238 for a text amendment to the Comprehensive Zoning Ordinance to restrict outdoor dining and live entertainment in the HMC-1 Historic Marigny/Tremé/Bywater Commercial District, HMC-2 Historic Marigny/Tremé/Bywater Commercial District, and HM-MU Historic Marigny/Tremé/Bywater Mixed-Use District as follows: Neither outdoor dining nor live entertainment is permitted in any rear yard, front yard, or side yard that abuts a residential district

Location: The proposed text amendment would apply to all lots zoned HMC-1, HMC-2, or HM-MU District that also are adjacent to a residential district. The affected properties are shown in Figure 1 on the following page.

Description: The requested text amendment is intended to prohibit outdoor dining and live entertainment in the yard areas of certain developments in either the HMC-1, HMC-2, or HM-MU Districts that also abut a residential district. Properties in these three nonresidential districts commonly abut residential districts at their rear or side property lines. The proposed text amendment is intended to limit outdoor dining and live entertainment in order to protect adjacent residential properties which may be negatively impacted with the proximity of such activities.

Why is City Planning Commission action required?

The City Planning Commission is required to make a recommendation on all amendments to the text of the Comprehensive Zoning Ordinance prior to City Council action, in accordance with **Article 4, Section 4.2.D.3 Action by the City**

Planning Commission of the Comprehensive Zoning Ordinance. In making their recommendation and decision, the City Planning Commission and the City Council consider the standards in **Article 4, Section 4.2.E (Table 4-1) Approval Standards** of the CZO, which are addressed in this report.

II. ANALYSIS

A. What is the reason for the text amendment? What area would be affected by the text amendment?

Reason for text amendment

The proposed text amendment is intended to prohibit outdoor live entertainment and outdoor dining for certain commercial properties in the HMC-1, HMC-2, and HM-MU Districts which are also adjacent to a residential district.

Per the accessory use regulations in **Article 21, Section 21.6.W** of the CZO, outdoor dining is a permitted accessory use for three types of commercial uses: a bar, a restaurant, and a retail goods establishment that serves food (such as a delicatessen or grocery store). Only a restaurant and retail goods establishment are permitted by right in the HMC-1, HMC-2, and the HM-MU Districts, while a bar is a conditional use in each per **Article 10, Section 10.3.A (Table 10-1)**. Outdoor dining also includes sidewalk cafes which are located exclusively in public rights-of-way and require separate approval of a Sidewalk Use Permit from the Department of Safety and Permits. Sidewalk cafes are also subject to additional regulations for “temporary uses” per **Article 21, Section 21.8.C Permitted Accessory Uses**. Although outdoor dining is prohibited, it should be noted that sidewalk cafes in the public right-of-way are allowed for restaurants in an RDO Residential Diversity Overlay Districts. These overlay districts cover much of the residentially zoned properties in the same Marigny, Treme, and Bywater neighborhoods.

Use standards for outdoor dining are outlined in **Article 21, Section 26.6.W** of the CZO. One such standard includes the prohibition of outdoor dining within any required yard area that abuts a residential district; outdoor dining, however, is permitted within a property’s buildable area or within any required front, side/corner side, or rear yard that is not adjacent to a residentially zoned property. There are no minimum yard requirements for properties in the Historic Core Nonresidential Districts, which includes the HMC-1, HMC-2, and HM-MU Districts; therefore, this currently allows restaurants, bars, and retail stores to provide outdoor dining areas in areas directly adjacent to residentially zoned properties. The purpose of the text amendment would be minimize nuisances associated with outdoor dining in the applicable area, including loud noise or vibrations, which may interfere with the adjacent residents’ ability to enjoy their land.

The motion also calls for the prohibition of outdoor live entertainment in yard areas for properties within the HMC-1, HMC-2, and HM-MU Districts, though this prohibition would not be necessary based on current language within the CZO and due to recent interpretations of the zoning ordinance by the Department of Safety and Permits stating

that live entertainment is prohibited outdoors. Live entertainment is identified as a secondary use in the CZO and necessitates separate approval, the only exception being that live entertainment is permitted in conjunction with a reception facility, or a bar in the VCE and VCE-1 Districts. The CZO dictates that live entertainment may be secondary to either a standard restaurant, specialty restaurant, indoor amusement facility, bar, brewery, or distillery, in zoning districts where “live entertainment - secondary use” is listed as a permitted or conditional use. Live entertainment - secondary use is prohibited in the HMC-1 District, and authorized as a conditional use in the HMC-2 and HM-MU Districts. In the HMC-2 District there is an extra restriction limiting only one live entertainment - secondary use per block face. As referenced earlier, the Department of Safety and Permits has interpreted one of the use standards for live entertainment - secondary use, which articulates a closed windows and doors requirement, as prohibiting any form of live entertainment outdoors. The specific use standard is outlined in **Article 20, Section 20.3.JJ.5** of the CZO.

This report provides a recommendation regarding the proposed text amendment restricting outdoor dining. However, because outdoor live entertainment is already prohibited in the applicable area, this report does not consider any amendments to the current live entertainment policy, but provides a recommendation to clarify to the current text of the CZO to better reflect the Department of Safety and Permits’ interpretation regarding the prohibition of outdoor live entertainment

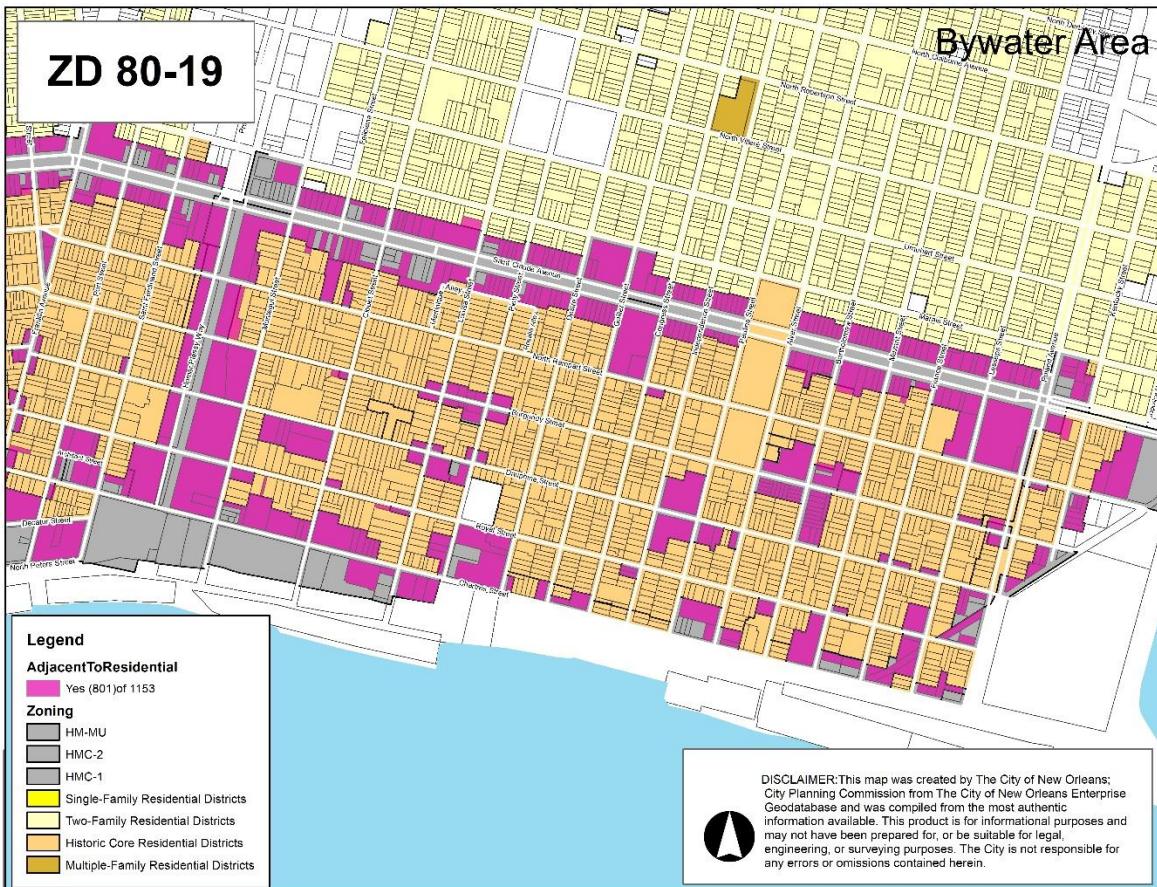


Figure 1. Affected properties in the HMC-1, HMC-2, and HM-MU Districts shown in magenta.

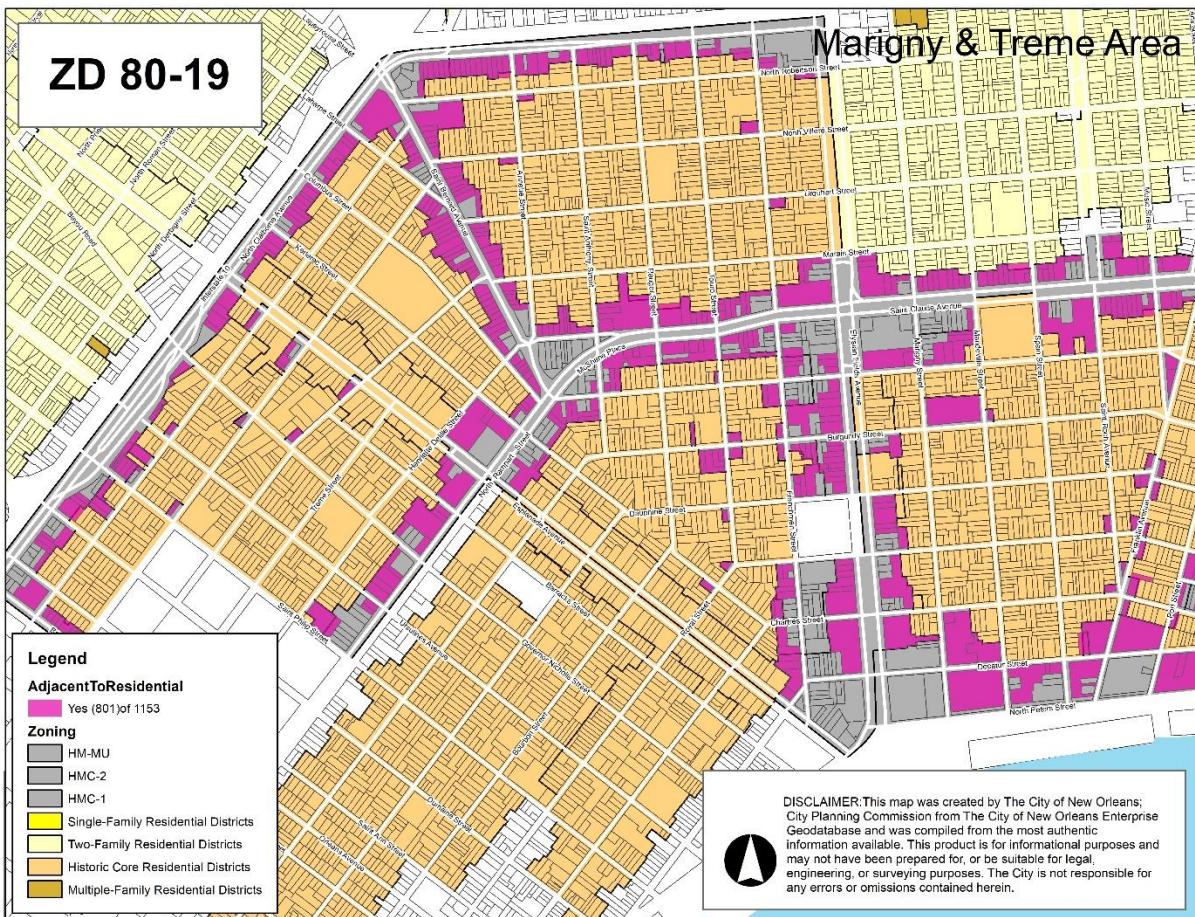


Figure 2. Affected properties in the HMC-1, HMC-2, and HM-MU Districts shown in magenta.

Affected area

The affected area includes properties in the HMC-1, HMC-2, and HM-MU Districts which abut residentially zoned properties. A map of the affected area is provided in Figures 1 and 2. The maps indicate that 801 of the 1153 total parcels in the HMC-1, HMC-2, and HM-MU Districts abut a residentially zoned property, which comprises approximately 69 percent of the properties. Those adjacent residentially zoned properties would also likely be impacted by the adoption of the text change.

Properties in these districts are located in the Marigny, Treme, and Bywater neighborhoods as their name implies. The majority of the properties in these districts are situated along the edges of these neighborhoods. The HMC-2 Districts are primarily located on more trafficked transportation corridors and avenues such as St. Claude Avenue, N. Claiborne Avenue, St. Bernard Avenue, Elysian Fields Avenue, and others, while the HMC-1 Districts cover smaller clusters or nodes of nonresidential development along local streets; there are also several spot-zoned HMC-1 District corner properties in the Marigny, Treme, and Bywater neighborhoods interspersed throughout the larger residentially zoned areas. Finally, properties in the HM-MU district are generally located along the Mississippi River along the Decatur Street, Chartres Street, N. Peters Street, and Homer Plessy Way

corridors. There are also some clusters of HM-MU Districts covering large former industrial or institutional development sites in the neighborhood. Properties in these three nonresidential districts commonly abut residential districts at their rear or side property lines.

B. What is the existing language of the Comprehensive Zoning Ordinance?

City Council Motion M-19-238 proposes to “restrict outdoor dining and live entertainment in the HMC-1 and HMC-2 Historic Marigny/Treme/Bywater Commercial District, and HM-MU Historic Marigny/Treme/Bywater Mixed Use District as follows: Neither outdoor dining nor live entertainment is permitted in any rear yard, front yard, or side yard that abuts a residential district.” The relevant sections of the Comprehensive Zoning Ordinance (CZO) are found in **Article 21 On-Site Development Standards** and **Article 26 Definitions**.

Definition of Abut

Since the proposal is to prohibit the activities in yards that abut a residential district, the existing language related to the definition of “abut” is provided below:

Article 26, Section 26.6 – Definitions

[...]

Abut. To have a common district boundary or lot boundary. For the purposes of this Ordinance, a lot line is considered to abut a zoning district even though it may be separated by any portion of a street, parkway, sidewalk, public way, alley, waterway or railroad right of way. The terms adjacent, adjoining and contiguous have the same meaning as abut.

Outdoor Dining

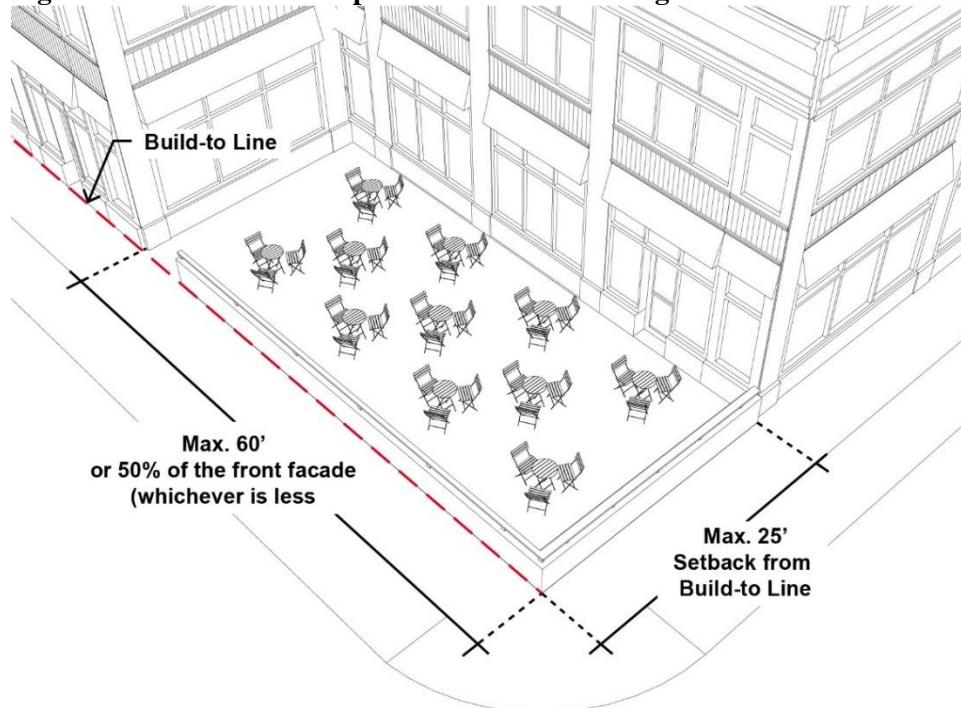
Article 21 On-Site Development Standards of the CZO contains the sections which authorize and regulate outdoor dining, which is permitted as accessory to a bar, restaurant, or a retail goods establishment that sells food products. Outdoor dining within the public right-of-way are classified in the CZO as sidewalk cafés and are also regulated by **Article 21**. The CPC staff understands the motion to exclude sidewalk cafés since this type outdoor dining occurs on the public right-of-way and not within “yard areas” as the language in the motion reads. The existing text in **Article 21** related to outdoor dining is provided below:

Article 21, Section 21.6.W – Outdoor Dining

Unless otherwise prohibited by City ordinances, outdoor dining is permitted as accessory to a bar or restaurant (all types) and a retail goods establishment that sells food products, such as a delicatessen, bakery, or grocery, but shall comply with the following standards:

1. Outdoor dining shall not interfere with pedestrian access or parking areas.
2. Outdoor dining is permitted in a required yard area, with the exception of any required yard area that abuts a residential district.
3. A distinct delineation shall be maintained between any public right-of-way and the outdoor dining area through the use of hardscape and architectural elements, such as a masonry wall, fence, planters, or bollards.
4. If outdoor seating areas are paved, the paving shall be permeable.
5. When a structure is required to be constructed at a build-to line, the structure may have up to fifty percent (50%) or sixty (60) linear feet of the front façade, whichever is less, designated as outdoor dining within a maximum setback of twenty-five (25) feet maximum from the required build-to line. (See Figure 21-6: Build-To Exception for Outdoor Dining)
6. Any outdoor dining areas located within the public right-of-way require approval of a Sidewalk Use Permit from the Department of Safety and Permits and shall be considered a temporary use in accordance with the standards of Section 21.8.
7. On-site outdoor dining areas are included in calculation of parking requirements, where applicable. Temporary sidewalk cafés shall not be included as part of the calculation of parking requirements.

Figure 21-6: Build-To Exception for Outdoor Dining



[...]

Article 21, Section 21.7 – Permitted Encroachments into Required Yards

An encroachment is the extension or placement of any attached or detached accessory structure or architectural feature into a required yard. Unless otherwise permitted or limited by this section or Section 21.6, permitted encroachments are subject to the general regulations of Section 21.6.A. Additional restrictions on certain permitted encroachments, including additional yard requirements and bulk regulations, as well as additional permitted accessory structures, can be found in Section 21.6 (Accessory Structures and Uses) above and may be referenced within the following table. Permitted encroachments are found in Table 21-2: Permitted Encroachments into Required Yards.

Table 21-2: Permitted Encroachments into Required Yards Y = Permitted // N = Not Permitted

Type of Encroachment into Required Yard	Front Yard, Corner Side Yard	Interior Side Yard	Rear Yard
Outdoor Dining- Subject to Section 21.6.W	Y	Y, unless abutting residential district	Y, unless abutting residential district

Outdoor Live Entertainment

Regulations that involve outdoor live entertainment are found in **Article 20 Use Standards** and **Article 26 Definitions** under “Live Entertainment - Secondary Use.” Live entertainment is also discussed in relation to reception facilities within **Article 20, Section 20.3.WW Reception Facility**. Since these regulations were first adopted, the Department of Safety & Permits has interpreted the requirement for closed doors and windows as prohibiting outdoor live entertainment, thus making references to outdoor live entertainment irrelevant. The existing language is copied below:

Article 20, Section 20.3.JJ Live Entertainment - Secondary Use and Live Performance Venue

1. Live entertainment - secondary use is considered a separate principal use. Live entertainment - secondary use may only be established when allowed within a zoning district and in conjunction with a bar, standard restaurant, or indoor amusement facility.
2. Live entertainment - secondary use and live performance venues shall submit a noise abatement plan, to be reviewed by the Director of Safety and Permits, and all other appropriate City agencies, which shall address the intended use of amplification, noise levels, and need for soundproofing. Outdoor live entertainment

areas located within thirty (30) feet of a residential district shall be a conditional use.

3. Live entertainment - secondary use and live performance venues shall submit a security and operation plan, with the following added:
 - a. For live entertainment - secondary use, the days and hours of operation for the establishment's general operations as a standard restaurant or bar, and the days and hours of operation for the live entertainment component.
 - b. The configuration of the live entertainment area within the establishment.
 - c. Loading areas.
 - d. All live entertainment - secondary use and live performance shall provide exterior security cameras.
1. Live entertainment - secondary use and live performance venues shall submit a summary of the number and location of places of worship, educational facilities, and parks and playgrounds within three-hundred (300) feet of the proposed location.
2. Windows and doors shall be closed during live entertainment performances and compliance with the City of New Orleans Noise Ordinance is required. In the Vieux Carré Districts, music of any kind is prohibited outside the building, unless authorized through the conditional use process.
3. If the live entertainment - secondary use and live performance venues use plans an increase in intensity, such as an expansion of floor area, increase in live performance area or increase in permitted occupancy, a security and operation plan shall be updated and resubmitted for approval. Revised security and operation plans shall be approved prior to the issuance of any permits.
4. Security and operation plans may be revised by the property owner or person authorized in writing by the owner. New plans shall be resubmitted for approval.
5. Because live entertainment - secondary use is only allowed with a bar, standard restaurant, or indoor amusement facility, when the submittal requirements of live entertainment - secondary use and standard restaurant or bar are duplicated, only one (1) set of submittal requirements is required to be submitted and updated.

[...]

Article 20, Section 20.3.WW Reception Facility

1. A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship or educational facilities.
2. All events shall be held within a completely enclosed building. Live entertainment, if permitted as part of scheduled events, is subject to a closed doors and windows policy and compliance with the City of New Orleans Noise Ordinance. Music of any kind is prohibited outside the building, unless approved through the conditional use process.
3. Outdoor lighting shall be directed away from adjacent residentially zoned property.
4. Hours of operation are restricted to 10:00 a.m. and 12:00 midnight Sunday through Thursday. Hours of operation are restricted to 10:00 a.m. and 4:00 a.m. Friday through Saturday.
5. A minimum distance of two-hundred (200) feet is required between any new reception facility and the nearest residential district.

[...]

Article 26, Section 26.6 – Definitions

[...]

Live Entertainment - Secondary Use. Any one (1) or more of any of the following live performances, performed live by one (1) or more persons, whether or not done for compensation and whether or not admission is charged: musical act, theatrical play or act, including stand-up comedy, magic, dance clubs, and disc jockey performances using vinyl records, compact discs, computers, or digital music players when the disc jockey is in verbal communication with the clientele of the establishment. Live entertainment - secondary use shall be part of a standard restaurant, specialty restaurant, indoor amusement facility or bar, and shall be approved separately. A standard restaurant, specialty restaurant, indoor amusement facility, or bar may be open to the public when no live performances are scheduled. Live entertainment - secondary use does not include:

- A. Any such activity performed for the practice or private enjoyment of the residents of a dwelling and their guests.
- B. Any adult uses.

- C. Periodic entertainment at educational facilities or places of worship, performances at cultural facilities, performances at reception facilities, performances at weddings or similar religious events, the playing of recorded music over speakers without a disc jockey, poetry readings, or spoken word performances.
- D. Musical accompaniment for patrons at a restaurant (standard or specialty), in conformance with the following use standards:
 - 1. During the performance of any musical accompaniment, all doors and windows in the restaurant shall remain closed. Any amplification used in support of a musical accompaniment shall be directed towards the patrons of the restaurant, and not toward any door, window or outdoor space.
 - 2. No cover charge shall be charged for any performance of any musical accompaniment.
 - 3. Full restaurant service shall continue during the performance of any musical accompaniment.
 - 4. No more than ten percent (10%) of a restaurant's seating area may be dedicated to a staging area for any performance of musical accompaniment.
 - 5. Aside from the portion of the restaurant seating area dedicated to the staging of the musical accompaniment, no restaurant seating may be removed or relocated during the performance in order to accommodate an audience and/or dance area.
 - 6. Performance of the musical accompaniment shall not be permitted beyond 10:00 p.m. on Sundays through Wednesdays, or beyond midnight on Thursdays through Saturdays.
 - 7. Musical accompaniment shall only be performed in the interior of a restaurant; outdoor musical accompaniment shall be subject to the general Live Entertainment - Secondary Use regulations, as applicable.

Any musical accompaniment for patrons at a restaurant that is not in conformance with the above standards shall be included within the definition of Live Entertainment - Secondary Use above, and shall be subject to the applicable regulations. Notwithstanding anything herein to the contrary, any musical accompaniment for patrons at a restaurant within any Vieux Carré District shall be included within the definition of Live Entertainment - Secondary Use.

[...]

Reception Facility. An establishment that functions as a hosting and rental facility or banquet hall for private events including, but not limited to, wedding receptions, holiday parties, and fundraisers, with food and beverages that are prepared and served

on site or by a caterer to invited guests during intermittent dates and hours of operation. A reception facility is not operated as any kind of restaurant or bar with regular hours of operation. Live entertainment, excluding adult uses, may be included as an ancillary use of the private event and is not subject to a separate approval. Any business operating as a designated reception facility is not considered casual, temporary, or illegal due to the nature of the business operating intermittently for scheduled events with food and beverage service at the request of clients. Events scheduled by non-owners and/or operators shall be held a minimum of fifteen (15) times per year to uphold a legal operating status as a reception facility.

C. What is the proposed language for amendment?

City Council Motion M-19-238 proposes to “restrict outdoor dining and live entertainment” in the HMC-1, HMC-2, and HM-MU Districts by prohibiting outdoor dining as well as outdoor live entertainment in any rear yard, front yard, or side yard that abuts a residential district. The relevant sections of the Comprehensive Zoning Ordinance to be amended would be found in **Article 20 Use Standards**, **Article 21 On-Site Development Standards**, and **Article 26 Definitions**.

Outdoor Dining

The proposed language would create a prohibition of outdoor dining that goes beyond the prohibited areas described in **Section 21.6.W Accessory Structures and Uses - Outdoor Dining**. The proposed text would appear as follows. Additions are indicated in **bold underlined** text and deletions in ~~strikethrough~~ text.

21.6.W Outdoor Dining

Unless otherwise prohibited by City ordinances, outdoor dining is permitted as accessory to a bar or restaurant (all types) and a retail goods establishment that sells food products, such as a delicatessen, bakery, or grocery, but shall comply with the following standards:

1. Outdoor dining shall not interfere with pedestrian access or parking areas.
2. Outdoor dining is permitted in a required yard area, with the exception of any required yard area that abuts a residential district, and any yard (whether required or not) in the HMC-1, HMC-2, or HM-MU Districts that abuts a residential district.

[...]

Outdoor Live Entertainment

The motion proposes to prohibit outdoor live entertainment in the HMC-1, HMC-2, and HM-MU Districts. Outdoor live entertainment is seemingly authorized by the definition and standards for Live Entertainment - Secondary Use. Although, as stated previously in this report, recent interpretations by the Department of Safety and Permits have prohibited all outdoor live entertainment which would cause the proposed amendment to be unnecessary. Regardless, the proposed text, as outlined by City Council Motion No. M-19-238 would read as follows. Additions are indicated in **bold underlined** text and deletions in ~~strikethrough~~ text.

20.3.JJ Live Entertainment – Secondary Use and Live Performance Venue

1. Live entertainment - secondary use is considered a separate principal use. Live entertainment - secondary use may only be established when allowed within a zoning district and in conjunction with a bar, standard restaurant, or indoor amusement facility.
2. Live entertainment - secondary use and live performance venues shall submit a noise abatement plan, to be reviewed by the Director of Safety and Permits, and all other appropriate City agencies, which shall address the intended use of amplification, noise levels, and need for soundproofing. Outdoor live entertainment areas located within thirty (30) feet of a residential district shall be a conditional use, **unless within the HMC-1, HMC-2, or HM-MU Districts where it shall be prohibited.**

[...]

D. Does the text amendment adequately answer the problem that is being addressed; if not, are other modifications necessary?

Problem with existing outdoor dining regulations

The proposed language would prohibit outdoor dining in a yard area in the HMC-1, HMC-2 and HM-MU Districts when abutting a residential district. Citywide, there is a general prohibition of outdoor dining in a required yard area when the yard abuts a residential district. Usually, Neighborhood Business, Mixed Use, and Commercial districts have a required rear yard when they abut a residential district. However, with the place-based approach of the Comprehensive Zoning Ordinance, the HMC-1, HMC-2 and HM-MU Districts do not have yard requirements, but instead have a minimum open space requirement of 20 or 30 %. In these districts, there are no special requirements for yard areas abutting a residential district. The text amendment seeks to mitigate noise issues in the Historic Core districts where currently outdoor dining is allowed to occupy an entire yard, which is the problem being addressed. As proposed, however, the text amendment

would go beyond the restrictions found in other districts such as the Historic Urban districts, which only create a rear yard buffer area of 15 to 20 feet as determined by the required rear yard area of the applicable base zoning district. For this reason, the staff finds that a modification is necessary. The modification and justification for such are further detailed below.

Modifications to outdoor dining regulations

The development pattern of the HMC-1, HMC-2 and HM-MU Districts and the surrounding neighborhoods is a dense, pedestrian-oriented, mixed use environment, much of which pre-dates the advent of automobiles. The HMC-2 District is generally along major streets including St. Claude, Elysian Fields, St. Bernard, and N. Claiborne Avenues. The HMC-1 District is generally smaller areas within the residential areas. The historic development pattern in both the commercial and residential districts is for the buildings to be built on or near the front property line, often with minimal side yards. The vast majority of lots in the HMC-1 and HMC-2 Districts abut residential districts along the rear lot lines.

Many residents are attracted to the Historic Core neighborhoods for the amenities within walking distance and the residents are accustomed to coexisting with businesses. The goal of mitigating outdoor dining noise impacts on adjacent residential uses is understandable. However, it may be excessively strict to prohibit all outdoor dining adjacent to residential districts, considering that other historic neighborhood business districts throughout New Orleans allow outdoor dining within yard areas in the buildable area. Further, there are several existing restaurants in these neighborhoods that provide outdoor dining in side or rear yard areas abutting residential districts as provided by the Department of Safety and Permits. Thus, the prohibition, if instituted, would create a substantial number of nonconformities. The complete prohibition would also conflict with the recently amended sidewalk cafe regulations which are a type of outdoor dining.

The CPC staff recommends a protection for the adjacent residential districts equivalent to that in the Historic Urban Districts. In the HU-B1A Neighborhood Business, HU-B1 Neighborhood Business, and HU-MU Neighborhood Mixed-Use Districts, there is a 20% of lot depth or 15 feet, whichever is less, required rear yard when abutting a residential district. For the HMC-1, HMC-2 and HM-MU Districts, the staff recommends a prohibition of outdoor dining within 15 feet of the rear lot line when adjacent to a residential district.

In the HMC-1, HMC-2 and HM-MU Districts, interior side yards that are large enough to accommodate outdoor dining and that are also adjacent to residential districts are rare. Despite this, the staff recommends a prohibition of outdoor dining within 3 feet of any interior side lot line when adjacent to a residential district, which is the current restriction for uses within the Historic Urban Districts. Although large front yards and corner side yards in the HMC-1, HMC-2 and HM-MU Districts are not the prevailing development pattern, they do exist in some situations. The staff believes that outdoor dining adjacent to the public right-of-way benefits and encourages pedestrian-oriented urban design. Outdoor dining adjacent to the sidewalks should be encouraged as a way to promote a lively streetscape and community interaction, and should not be restricted.

In addition to establishing a buffer area for outdoor dining in interior side or rear yards, the staff also recommends instituting a limitation on hours of operation for outdoor dining for the HMC-1, HMC-2, and HM-MU District properties that abut residentially zoned properties. There are currently no limitations on outdoor dining in the zoning ordinance, but there are limitations on hours for restaurants serving alcoholic beverages, and for sidewalk cafes. For any restaurant serving alcoholic beverages in the HMC-1, HMC-2 and HM-MU Districts, hours of operation are limited by Section 20.3.ZZ of the CZO. The hours are 6am – 10pm Sunday through Wednesday and 6am – Midnight Thursday through Saturday. For sidewalk cafes in all districts other than the CBD Districts, hours of operation are limited to no earlier than 8am and no later than 10pm per **Article 21, Section 21.8.C** (**Table 21-3**) *Permitted Temporary Uses*. The staff believes that the institution of a buffer requirement for outdoor dining as well as limitations on hours of operation similar to those for sidewalk cafes are sufficient in mitigating undesirable impacts of outdoor dining on adjacent residential properties. In addition, outdoor dining in bars in the districts, which are conditional uses in the applicable HMC-1, HMC-2, and HM-MU Districts, could be further limited through the conditional use process.

The staff recommends the following modifications to the proposed text amendment. Deletions are indicated in ~~strike-through~~ text and additions are indicated in **bold underlined** text.

Article 21, Section 21.6.W Outdoor Dining

Unless otherwise prohibited by City ordinances, outdoor dining is permitted as accessory to a bar or restaurant (all types) and a retail goods establishment that sells food products, such as a delicatessen, bakery, or grocery, but shall comply with the following standards:

1. Outdoor dining shall not interfere with pedestrian access or parking areas.
2. Outdoor dining is permitted in a required yard area, with the exception of any required yard area that abuts a residential district **and within fifteen (15) feet of the rear lot line abutting a residential district, or within three (3) feet of the interior side lot line abutting a residential district in the HMC-1, HMC-2, or HM-MU District.**
3. A distinct delineation shall be maintained between any public right-of-way and the outdoor dining area through the use of hardscape and architectural elements, such as a masonry wall, fence, planters, or bollards.
4. If outdoor seating areas are paved, the paving shall be permeable.
5. When a structure is required to be constructed at a build-to line, the structure may have up to fifty percent (50%) or sixty (60) linear feet of the front façade, whichever is less, designated as outdoor dining within a maximum setback of twenty-five (25)

feet maximum from the required build-to line. (See Figure 21-6: Build-To Exception for Outdoor Dining)

6. Any outdoor dining areas located within the public right-of-way require approval of a Sidewalk Use Permit from the Department of Safety and Permits and shall be considered a temporary use in accordance with the standards of Section 21.8
7. On-site outdoor dining areas are included in calculation of parking requirements, where applicable. Temporary sidewalk cafés shall not be included as part of the calculation of parking requirements.
8. **Outdoor dining for any use in the HMC-1, HMC-2, or HM-MU District, located is in any rear yard, front yard, or side yard that abuts a residential district is limited to the following hours of operations: no earlier than 8:00 a.m. and no later than 10:00 p.m.**

Modifications to live entertainment regulations

When the new Comprehensive Zoning Ordinance was adopted in 2015, outdoor live entertainment was contemplated and seemingly authorized through live entertainment - secondary use in the use charts pertaining to each zoning district. However, a requirement for closed doors and windows, which was intended to apply only to interior performances, was not written to apply only to interior spaces. Since that time, the Safety & Permits Department has interpreted the closed windows and doors standard as effectively prohibiting outdoor live entertainment, which causes the requested text amendment per Motion No. M-19-238 to be unnecessary. However, in order to clarify this interpretation within the text of the zoning ordinance, the CPC staff recommends using this opportunity to delete the contradictory language to read as a general prohibition of outdoor live entertainment, except when in conjunction with permitted special events. There may be locations and zoning districts where a clear entitlement to outdoor live entertainment would not create noise issues with nearby residents; however, that issue should be explored separately with a more comprehensive analysis. Below are the recommended modifications to **Article 20, Section 20.3.JJ** which outline the use standards for live entertainment - secondary use and **Article 20, Section 20.3.WW** which outlines the use standards for reception facilities. The staff also recommends modifications to the definition of live entertainment - secondary use found in **Article 26, Section 26.6** of the Comprehensive Zoning Ordinance. Proposed deletions to the text are indicated in ~~strikethrough~~ text and additions are indicated in **bold underlined** text.

20.3.JJ Live Entertainment – Secondary Use and Live Performance Venue

1. Live entertainment - secondary use is considered a separate principal use. Live entertainment - secondary use may only be established when allowed within a zoning district and in conjunction with a bar, standard restaurant, or indoor amusement facility.

2. Live entertainment - secondary use and live performance venues shall submit a noise abatement plan, to be reviewed by the Director of Safety and Permits, and all other appropriate City agencies, which shall address the intended use of amplification, noise levels, and need for soundproofing. ~~Outdoor live entertainment areas located within thirty (30) feet of a residential district shall be a conditional use.~~

[...]

20.3.WW Reception Facility

1. A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship or educational facilities.
2. All events shall be held within a completely enclosed building. Live entertainment, if permitted as part of scheduled events, is subject to a closed doors and windows policy and compliance with the City of New Orleans Noise Ordinance. Music of any kind is prohibited outside the building; ~~unless approved through the conditional use process.~~

[...]

Article 26, Section 26.6 – Definitions

[...]

Live Entertainment - Secondary Use. Any one (1) or more of any of the following live performances, performed live by one (1) or more persons, whether or not done for compensation and whether or not admission is charged: musical act, theatrical play or act, including stand-up comedy, magic, dance clubs, and disc jockey performances using vinyl records, compact discs, computers, or digital music players when the disc jockey is in verbal communication with the clientele of the establishment. Live entertainment - secondary use shall be part of a standard restaurant, specialty restaurant, indoor amusement facility or bar, and shall be approved separately. A standard restaurant, specialty restaurant, indoor amusement facility, or bar may be open to the public when no live performances are scheduled. **Live performances shall be conducted indoors only.** Live entertainment - secondary use does not include:

- A. Any such activity performed for the practice or private enjoyment of the residents of a dwelling and their guests.
- B. Any adult uses.
- C. Periodic entertainment at educational facilities or places of worship, performances at cultural facilities, performances at reception facilities, performances at weddings

or similar religious events, the playing of recorded music over speakers without a disc jockey, poetry readings, or spoken word performances.

D. Musical accompaniment for patrons at a restaurant (standard or specialty), in conformance with the following use standards:

1. During the performance of any musical accompaniment, all doors and windows in the restaurant shall remain closed. Any amplification used in support of a musical accompaniment shall be directed towards the patrons of the restaurant, and not toward any door, window or outdoor space.
2. No cover charge shall be charged for any performance of any musical accompaniment.
3. Full restaurant service shall continue during the performance of any musical accompaniment.
4. No more than ten percent (10%) of a restaurant's seating area may be dedicated to a staging area for any performance of musical accompaniment.
5. Aside from the portion of the restaurant seating area dedicated to the staging of the musical accompaniment, no restaurant seating may be removed or relocated during the performance in order to accommodate an audience and/or dance area.
6. Performance of the musical accompaniment shall not be permitted beyond 10:00 p.m. on Sundays through Wednesdays, or beyond midnight on Thursdays through Saturdays.
7. Musical accompaniment shall only be performed in the interior of a restaurant; outdoor musical accompaniment shall be subject to the general Live Entertainment - Secondary Use regulations, as applicable.

Any musical accompaniment for patrons at a restaurant that is not in conformance with the above standards shall be included within the definition of Live Entertainment - Secondary Use above, and shall be subject to the applicable regulations. Notwithstanding anything herein to the contrary, any musical accompaniment for patrons at a restaurant within any Vieux Carré District shall be included within the definition of Live Entertainment - Secondary Use.

E. Outdoor live entertainment which is only permitted through approval of a Special Event Permit from the Department of Safety and Permits.

E. Compliance with approval standards

The City Planning Commission recommendation and the City Council decision on any zoning text amendment are matters of legislative discretion. In making their

recommendation and decision, the City Planning Commission and the City Council are required to consider the standards in **Article 4, Section 4.2.E (Table 4-1) – Standards for Zoning Amendments** of the Comprehensive Zoning Ordinance. In this section, the staff evaluates the application using those standards.

The proposed amendment is compatible with the Master Plan and Future Land Use Map.

A land use action is consistent with the *Plan for the 21st Century* (commonly referred to as the Master Plan) if it furthers, or at least does not interfere with, the goals, policies, and guidelines, including design guidelines, in the Land Use Element of the Master Plan and is compatible with the proposed future land use. Properties that are within the HMC-1, HMC-2, and HM-MU Districts are generally within the “Mixed Use Historic Core” designation of the Future Land Use Map.

MIXED-USE HISTORIC CORE

Goal: Increase convenience and walkability for neighborhood residents and visitors within and along edges of historic core neighborhoods.

Range of Uses: A mixture of residential, neighborhood business, and visitor-oriented businesses. Uses may be combined horizontally or vertically, and some structures may require ground floor retail with residences or offices on upper floors. In some areas where current or former industrial use is verified, existing buildings may be appropriate for craft and value added industry. Agricultural, stormwater management, and supporting public recreational and community facilities are allowed. Transit and transportation facilities are allowed.

Development Character: The density, height, and mass of new development will be consistent with the character and tout ensemble of the surrounding historic neighborhood. Appropriate transitions will be provided to surrounding residential areas. Allow the adaptive reuse of historic non-residential structures with densities higher than the surrounding neighborhood through the planned development process. Allow higher residential densities when a project is providing significant public benefits such as long-term affordable housing. Incorporate risk reduction and adaptation strategies in the built environment.

The text amendment on outdoor live entertainment meets this standard. The text amendment proposes that outdoor live entertainment in the HMC-1, HMC-2, and HM-MU Districts be prohibited in yard areas adjacent to residential districts. The staff believes that the effects of outdoor live entertainment on adjacent residential uses is difficult to mitigate and enforce. The Historic Core residential districts as well as the HMC-1, HMC-2, and HM-MU Districts are all intended to accommodate dense residential uses. However, the staff notes that the text amendment would not change the effect of the current regulations, which have been interpreted by the Safety & Permits Department as not allowing outdoor

live entertainment due to the requirement for closed doors and windows during a performance.

As proposed, the text amendment on outdoor dining does not meet the standard. The proposed text amendment would prohibit outdoor dining in any yard adjacent to a residential district within the HMC-1, HMC-2, and HM-MU Districts. The staff believes that outdoor dining, with certain limitations, is compatible with residential uses. Outdoor dining in front or corner side yards along the public right-of-way enhances urban design, pedestrian orientation, and the sense of community. In side and rear yards adjacent to residential districts, the staff believes a buffer can be added that is similar to the regulations of the Historic Urban Districts. In addition, mitigation of the impacts of outdoor dining on nearby residential land uses can be achieved through imposing limitations on hours of operation. As recommended, the standard is met.

The proposed amendment is compatible with the place designations of this Ordinance.

This standard is met. The non-residential districts of the Historic Core Neighborhoods are intended to promote a dense mixed-use environment and preserve the denser scale and pedestrian-oriented development character of the city's oldest neighborhoods. For this reason, the HMC-1, HMC-2, and HM-MU Districts have no building setback requirements between structures and the street. Many existing historic nonresidential and mixed-use buildings in the district are developed across the entirety of their respective lots with no setbacks. The current regulations do not necessarily address other types of historic buildings, such as residential single and double structures or industrial and institutional structures in the districts which might provide a larger side or rear yard area where outdoor dining activity could be placed without any kind of buffer requirement from residential structures. The proposed amendment, which intends to mitigate any potential land use incompatibilities that arise between proximate commercial and residential properties with the placement of outdoor dining, helps to promote the coexistence of various uses within the denser Historic Core Neighborhoods. The staff believes, however, that the complete prohibition on outdoor dining is unnecessary, and that the mitigation of impacts could be more practically resolved with buffer standards similar to those employed in the Historic Urban Neighborhoods. Additionally, the institution of limitations on the hours of operation on outdoor dining adjacent to residential districts would serve to mitigate conflicts related to outdoor dining in mixed-use environments

The proposed amendment related to the live entertainment - secondary use regulations would not conflict with the place designations of the zoning ordinance, but would rather codify the current interpretation related to the prohibition of outdoor live entertainment by the Department of Safety and Permits.

The proposed amendment promotes the public health, safety and welfare of the City.

This standard is met. The proposed amendment to the outdoor dining requirements, as recommended by staff, is intended to minimize potential land use conflicts generated by

the situation of outdoor dining close to residential districts in the denser Historic Core Neighborhoods. As such, the amendment would promote the public health, safety and welfare of the City. The recommended amendment to the live entertainment - secondary use regulations would not result in any change that would negatively impact the public health, safety, and welfare of the community as would codify an interpretation of the zoning ordinance which is currently being enforced.

The proposed amendment is compatible with the intent and general regulations of this Ordinance.

This standard is met. The proposed amendments would not conflict with the primary and shared intents of the HMC-1, and HMC-2, and HM-MU Districts which are to preserve this historic scale and development character of the city's oldest neighborhoods.

The proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.

This standard is met. As it applies to the amendment related to outdoor dining, the proposal as recommended by staff seeks to address and correct the omission in Article 21 of the CZO which limits outdoor dining in required yard areas of properties abutting residential districts, but does not include any type of buffer provision for properties that have no minimum yard requirements such as those in the Historic Core Neighborhood Districts. As it applies to the proposed amendment to Article 20 with regard to outdoor live entertainment, the proposal as recommended by staff seeks to codify the Department of Safety and Permits' current interpretation regarding the total prohibition of live entertainment outdoors.

The proposed amendment benefits the citizens of the City as a whole.

This standard is met. The proposed text amendment, as modified, would benefit the citizens of the City as a whole by helping to mitigate the impacts of outdoor dining on residential developments in denser historic parts of the city which are characterized by dense mixed-use environments. The recommended modified amendment pertaining to outdoor live entertainment would help provide clarity in the text of the zoning ordinance and would aid in the enforcement of the current prohibition on outdoor live entertainment. As such, this clarification can be deemed a benefit to the citizens of the City as a whole.

The proposed amendment provides a more workable way to achieve the intent and purposes of this Ordinance and the Master Plan.

This standard is met. The staff believes the proposed amendment to the outdoor dining regulations, as modified in order to not expressly prohibit such accessory use, provides a more workable way to meet the purposes and intent of the CZO and Master Plan. Both the Master Plan and the CZO speak to the promotion of a mixed-use environment in the Historic Core Neighborhoods. The staff believes the proposed amendment would help to maintain compatibility between the densely situated residential and nonresidential uses in

the applicable area. The proposed amendment to the live entertainment regulations add clarity in regard to recent interpretations made by the Department of Safety and Permits prohibiting outdoor live entertainment. This action helps to provide a more workable way to enforce the provisions of CZO.

The proposed amendment does not create a significant number of nonconformities.

This standard is met. As it relates to the amendment for outdoor live entertainment, the proposal would not result in a significant number of nonconformities. The change would only codify a policy of which the Department of Safety and Permits has been enforcing for some time. As such, any currently operating use with secondary outdoor live entertainment would already be either legally or illegally nonconforming based on the Department of Safety and Permits current interpretation of the zoning ordinance. It should also be noted that since the adoption of the current Comprehensive Zoning Ordinance in 2015, the City Council has approved two conditional use requests to permit outdoor live entertainment.¹ One of these approvals, however, has expired pursuant to the provisions in Article 4, Section 4.3.E.2 which require the recordation of final plans within one (1) year of adoption of the conditional use ordinance. The other conditional use would not be deemed nonconforming since the property is authorized by a conditional use ordinance.

As it relates to adoption of the amendment to prohibit outdoor dining in yard areas in the HMC-1, HMC-2, and HM-MU Districts, as proposed by Motion No. M-19-238, a number of outdoor dining locations would become nonconforming. As mentioned previously, the staff believes an absolute prohibition on outdoor dining would be excessive and unnecessary, as the impacts of outdoor dining on residential uses could be mitigated with buffer provisions and limitations on hours of operation as recommended herein. Such modification would not result in any use nonconformities, but may result in some minor development-related nonconformities

III. SUMMARY

Zoning Docket 080/19 considers a text amendment to the Comprehensive Zoning Ordinance to prohibit outdoor dining and outdoor live entertainment for properties abutting residential districts in the HMC-1 and HMC-2 Historic Marigny/Tremé/Bywater Commercial Districts, and the HM-MU Historic Marigny/Tremé/Bywater Mixed Use District. Currently, outdoor dining is a permitted accessory use for three types of commercial uses: a bar, a restaurant, and a retail goods establishment that serves food (such as a delicatessen or grocery store). Outdoor dining is currently allowed to encroach into yard areas per Article 21 of the CZO. However, the use standards for outdoor dining per Article 20 prohibit the location of outdoor dining in required yard areas for properties that abut a residential district. Because there are no minimum yard requirements for properties in the Historic Core Nonresidential Districts, which includes the HMC-1, HMC-2, and

¹ One request (ZD 151-15) was for a conditional use to permit a reception facility and to permit outdoor live entertainment for a property at 2820 St. Claude Avenue. The other request (ZD 47-16) was to permit an outdoor amusement facility with outdoor live entertainment for a property at the Lakefront Airport.

HM-MU Districts, this current language allows outdoor dining areas in areas directly adjacent to residentially zoned properties.

The staff is supportive of the intent of the proposed amendment related to outdoor dining which seeks to protect adjacent residential properties which may be negatively impacted with the proximity of such activities; however, an outright prohibition of outdoor dining in the applicable districts would be excessive. The staff believes that proper land use mitigation can be achieved through the adoption of a minimum buffer area between outdoor dining and adjacent residentially-zoned properties as well as limitations on its hours of operation, similar to those imposed on sidewalk cafes. Therefore, the staff recommends modifications as it relates to the proposed text amendment for outdoor dining.

The City Council Motion also directs the Commission to consider an amendment to prohibit outdoor live entertainment in the HMC-1, HMC-2, HM-MU Districts. The staff finds, however, that such provision is already in place based on the Department of Safety and Permits' recent interpretation of the language in the ordinance related to a closed windows and doors policy for live entertainment. The staff, however, recommends minor modifications to the text of the CZO with regard to the use standards for "live entertainment - secondary use" and "reception facility" in order to codify the interpretation of the zoning ordinance which is currently being enforced. This recommendation does not imply that live entertainment outdoors is inherently inappropriate in all circumstances. Outdoor live entertainment events may still occur through the issuance of special events permits which have a limited time frame, do not vest a land use right, and can be discontinued by the City if problems arise. Staff is also supportive of any future exploration of a revised policy related to outdoor live entertainment, and further study where or in what circumstances such land use would be appropriate or compatible with the surrounding context.

IV. PRELIMINARY STAFF RECOMMENDATION

The staff recommends **MODIFIED APPROVAL** of Zoning Docket 080/19. Proposed deletions of existing Comprehensive Zoning Ordinance language are shown below in ~~strikethrough~~ text with new language shown in **underlined, bold** text.

20.3.JJ Live Entertainment – Secondary Use and Live Performance Venue

1. Live entertainment - secondary use is considered a separate principal use. Live entertainment - secondary use may only be established when allowed within a zoning district and in conjunction with a bar, standard restaurant, or indoor amusement facility.
2. Live entertainment - secondary use and live performance venues shall submit a noise abatement plan, to be reviewed by the Director of Safety and Permits, and all other appropriate City agencies, which shall address the intended use of amplification, noise levels, and need for soundproofing. ~~Outdoor live entertainment areas located within thirty (30) feet of a residential district shall be a conditional use.~~

[...]

20.3.WW Reception Facility

1. A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship or educational facilities.
2. All events shall be held within a completely enclosed building. Live entertainment, if permitted as part of scheduled events, is subject to a closed doors and windows policy and compliance with the City of New Orleans Noise Ordinance. Music of any kind is prohibited outside the building, ~~unless approved through the conditional use process.~~

[...]

Article 21, Section 21.6.W Outdoor Dining

Unless otherwise prohibited by City ordinances, outdoor dining is permitted as accessory to a bar or restaurant (all types) and a retail goods establishment that sells food products, such as a delicatessen, bakery, or grocery, but shall comply with the following standards:

1. Outdoor dining shall not interfere with pedestrian access or parking areas.
2. Outdoor dining is permitted in a required yard area, with the exception of any required yard area that abuts a residential district and within fifteen (15) feet of the rear lot line abutting a residential district, or within three (3) feet of the interior side lot line abutting a residential district in the HMC-1, HMC-2, or HM-MU District.
3. A distinct delineation shall be maintained between any public right-of-way and the outdoor dining area through the use of hardscape and architectural elements, such as a masonry wall, fence, planters, or bollards.
4. If outdoor seating areas are paved, the paving shall be permeable.
5. When a structure is required to be constructed at a build-to line, the structure may have up to fifty percent (50%) or sixty (60) linear feet of the front façade, whichever is less, designated as outdoor dining within a maximum setback of twenty-five (25) feet maximum from the required build-to line. (See Figure 21-6: Build-To Exception for Outdoor Dining)

6. Any outdoor dining areas located within the public right-of-way require approval of a Sidewalk Use Permit from the Department of Safety and Permits and shall be considered a temporary use in accordance with the standards of Section 21.8
7. On-site outdoor dining areas are included in calculation of parking requirements, where applicable. Temporary sidewalk cafés shall not be included as part of the calculation of parking requirements.
8. **Outdoor dining for any use in the HMC-1, HMC-2, or HM-MU District, located is in any rear yard, front yard, or side yard that abuts a residential district is limited to the following hours of operations: no earlier than 8:00 a.m. and no later than 10:00 p.m.**

[...]

Article 26, Section 26.6 – Definitions

[...]

Live Entertainment - Secondary Use. Any one (1) or more of any of the following live performances, performed live by one (1) or more persons, whether or not done for compensation and whether or not admission is charged: musical act, theatrical play or act, including stand-up comedy, magic, dance clubs, and disc jockey performances using vinyl records, compact discs, computers, or digital music players when the disc jockey is in verbal communication with the clientele of the establishment. Live entertainment - secondary use shall be part of a standard restaurant, specialty restaurant, indoor amusement facility or bar, and shall be approved separately. A standard restaurant, specialty restaurant, indoor amusement facility, or bar may be open to the public when no live performances are scheduled. **Live performances shall be conducted indoors only.** Live entertainment - secondary use does not include:

- A. Any such activity performed for the practice or private enjoyment of the residents of a dwelling and their guests.
- B. Any adult uses.
- C. Periodic entertainment at educational facilities or places of worship, performances at cultural facilities, performances at reception facilities, performances at weddings or similar religious events, the playing of recorded music over speakers without a disc jockey, poetry readings, or spoken word performances.
- D. Musical accompaniment for patrons at a restaurant (standard or specialty), in conformance with the following use standards:
 1. During the performance of any musical accompaniment, all doors and windows in the restaurant shall remain closed. Any amplification used in support of a

musical accompaniment shall be directed towards the patrons of the restaurant, and not toward any door, window or outdoor space.

2. No cover charge shall be charged for any performance of any musical accompaniment.
3. Full restaurant service shall continue during the performance of any musical accompaniment.
4. No more than ten percent (10%) of a restaurant's seating area may be dedicated to a staging area for any performance of musical accompaniment.
5. Aside from the portion of the restaurant seating area dedicated to the staging of the musical accompaniment, no restaurant seating may be removed or relocated during the performance in order to accommodate an audience and/or dance area.
6. Performance of the musical accompaniment shall not be permitted beyond 10:00 p.m. on Sundays through Wednesdays, or beyond midnight on Thursdays through Saturdays.
7. Musical accompaniment shall only be performed in the interior of a restaurant; outdoor musical accompaniment shall be subject to the general Live Entertainment - Secondary Use regulations, as applicable.

Any musical accompaniment for patrons at a restaurant that is not in conformance with the above standards shall be included within the definition of Live Entertainment - Secondary Use above, and shall be subject to the applicable regulations. Notwithstanding anything herein to the contrary, any musical accompaniment for patrons at a restaurant within any Vieux Carré District shall be included within the definition of Live Entertainment - Secondary Use.

E. Outdoor live entertainment which is only permitted through approval of a Special Event Permit from the Department of Safety and Permits.

V. REASONS FOR RECOMMENDATION

1. The proposed text amendment related to outdoor dining, as modified, would mitigate potential land use incompatibilities that arise between proximate commercial and residential properties and would help to promote the coexistence of various uses within the denser Historic Core Neighborhoods.
2. The proposed amendment to the live entertainment regulations, as modified, would add clarity in regard to recent interpretations made by the Department of Safety and Permits.

MOTION

NO. M-19-238



CITY HALL: June 6, 2019

BY: COUNCILMEMBER GISLESON PALMER

SECONDED BY:

BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS,

That the City Planning Commission is hereby directed to conduct a public hearing to consider amendments to Ordinance No. 4264 M.C.S., as amended by Ordinance No. 26,413 M.C.S., as amended, the Comprehensive Zoning Ordinance of the City of New Orleans, to restrict outdoor dining and live entertainment in the HMC-1 Historic Marigny/Tremé/Bywater Commercial District, HMC-2 Historic Marigny/Tremé/Bywater Commercial District, and HM-MU Historic Marigny/Tremé/Bywater Mixed-Use District as follows: Neither outdoor dining nor live entertainment is permitted in any rear yard, front yard, or side yard that abuts a residential district.

BE IT FURTHER MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That in the process of reviewing this amendment, the City Planning Commission staff is directed and granted the flexibility to make all appropriate changes to the proposed regulation and any existing corresponding regulations in the Comprehensive Zoning Ordinance to establish consistency and continuity with the format of the existing zoning code, to add references wherever references are customary, needed and/or appropriate, to make the appropriate adjustments to clarify any ambiguities or mistakes, and to make adjustments deemed necessary in light of public testimony resulting from this study and review.

**THE FOREGOING MOTION WAS READ IN FULL, ROLL WAS CALLED ON
THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:**

YEAS:

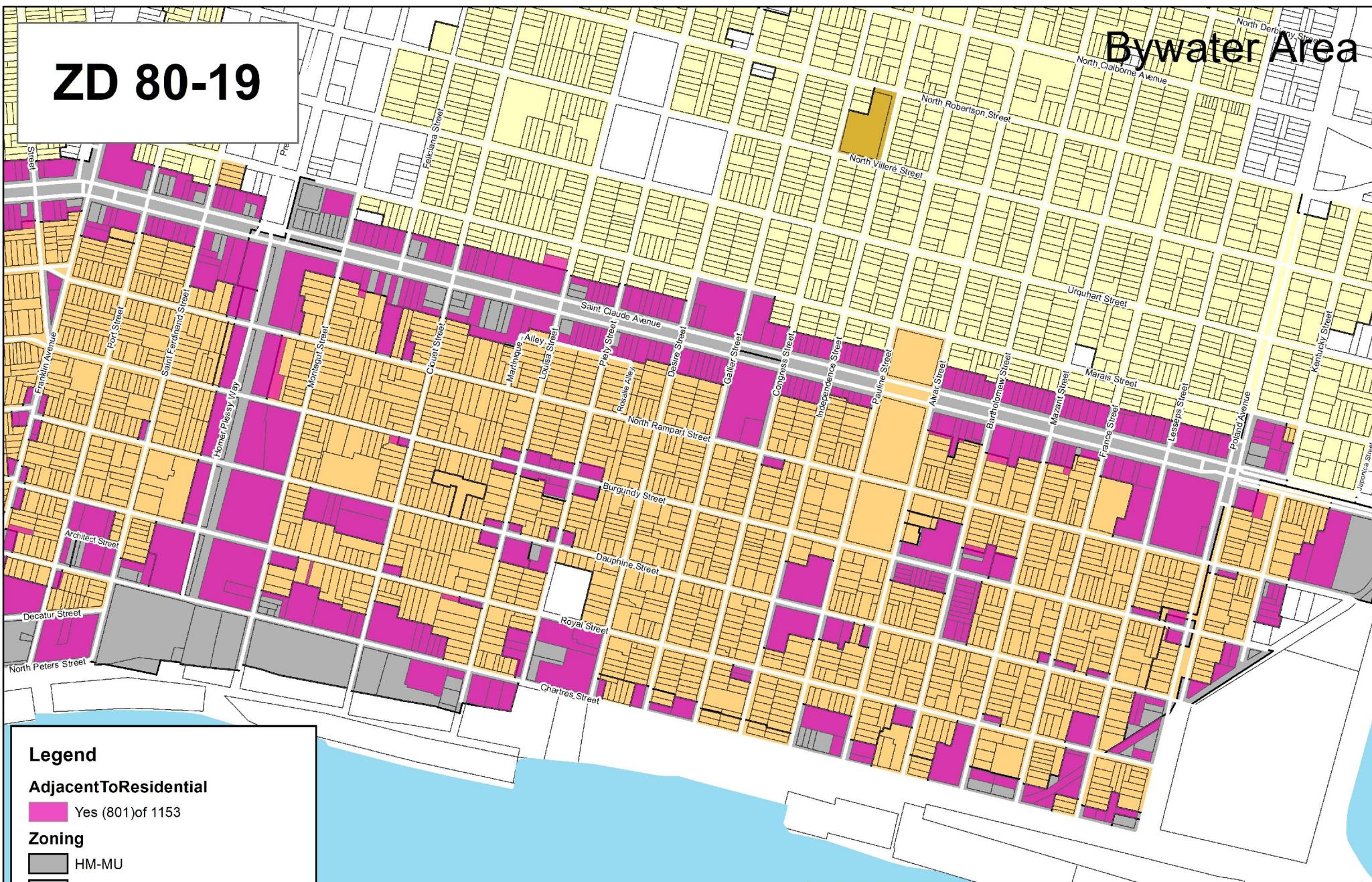
NAYS:

ABSENT:

AND THE MOTION WAS ADOPTED.

Bywater Area

ZD 80-19



Legend

AdjacentToResidential

Yes (801) of 1153

Zoning

HM-MU

HMC-2

HMC-1

Single-Family Residential Districts

Two-Family Residential Districts

Historic Core Residential Districts

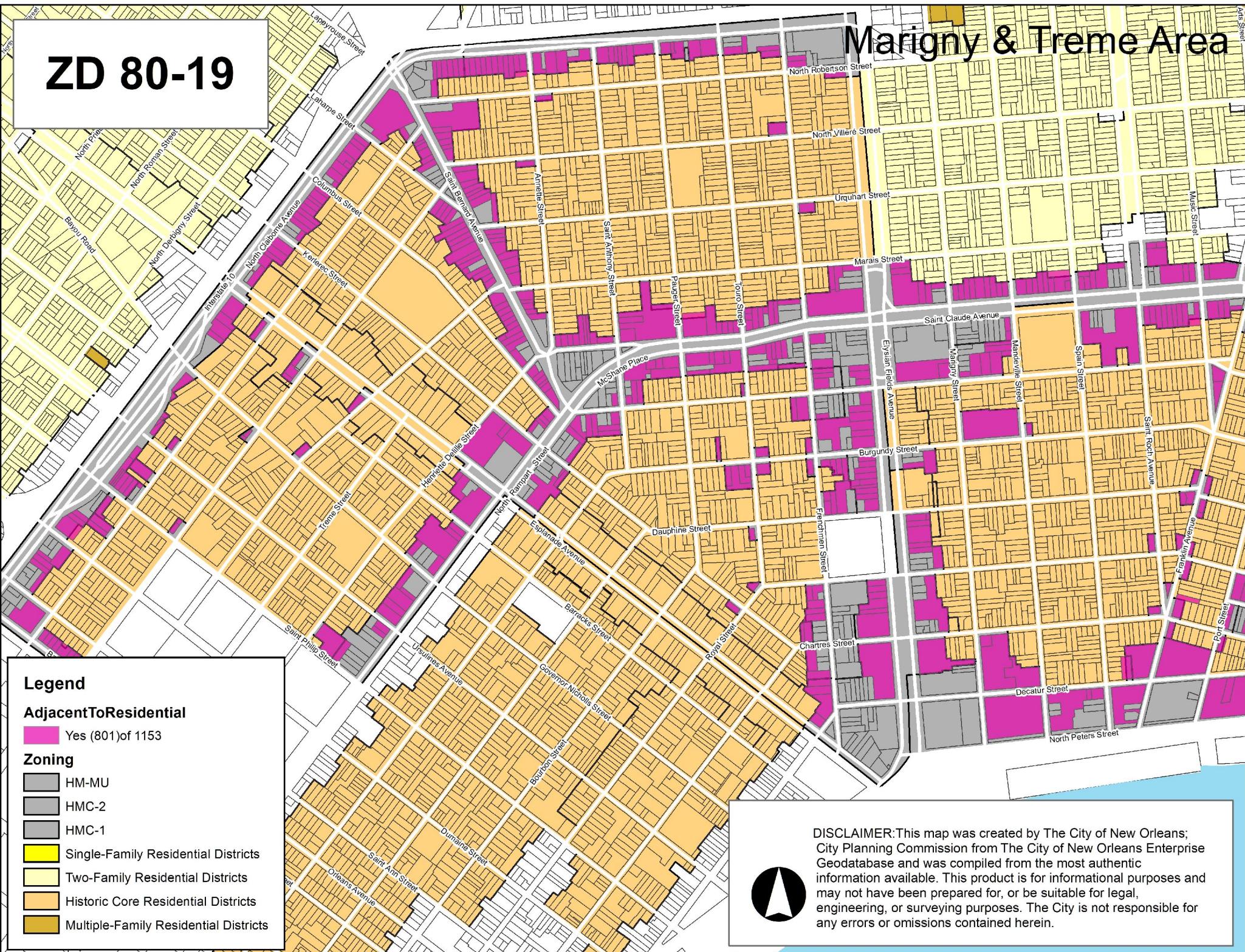
Multiple-Family Residential Districts

DISCLAIMER: This map was created by The City of New Orleans; City Planning Commission from The City of New Orleans Enterprise Geodatabase and was compiled from the most authentic information available. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. The City is not responsible for any errors or omissions contained herein.



Marigny & Treme Area

ZD 80-19



Legend

AdjacentToResidential

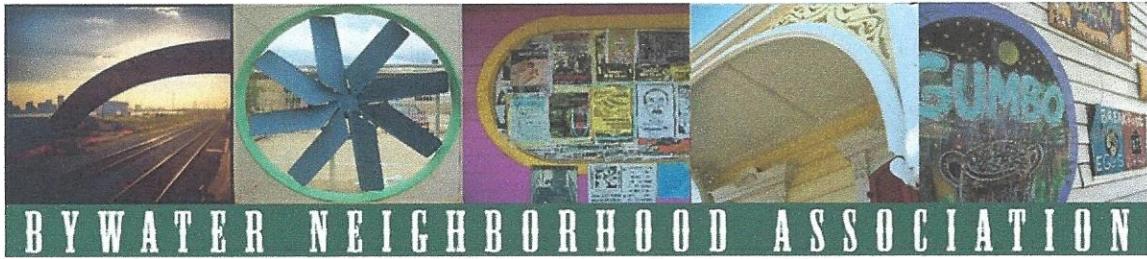
Yes (801) of 1153

Zoning

- HM-MU
- HMC-2
- HMC-1
- Single-Family Residential Districts
- Two-Family Residential Districts
- Historic Core Residential Districts
- Multiple-Family Residential Districts

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BYWATER NEIGHBORHOOD ASSOCIATION

P.O. Box 3191, New Orleans, Louisiana 70177

August 5, 2019

Via E-Mail

Robert D. Rivers, Executive Director
City Planning Commission
1300 Perdido Street, 7th Floor
New Orleans, Louisiana 70112

Re: Zoning Docket 080/19

Dear Mr. Rivers:

The Bywater Neighborhood Association (BNA) opposes the proposed amendments to the Comprehensive Zoning Ordinance (CZO) that would “restrict outdoor dining and live entertainment in the HMC-1 Historic Marigny/Tremé/Bywater Commercial District, HMC-2 Historic Marigny/Tremé/Bywater Commercial District, and HM-MU Historic Marigny/Tremé/Bywater Mixed-Use District as follows: Neither outdoor dining nor live entertainment is permitted in any rear yard, front yard, or side yard that abuts a residential district.” City Council Motion M-19-238.

The ban will affect existing businesses.

This proposed amendment would forbid outdoor dining and live entertainment on almost every commercially-zoned property on St. Claude Avenue and on many parcels elsewhere in Bywater. For example, St. Germain Wine, located at 3054 St. Claude, is zoned HMC-2 and abuts 1032 Clouet, zoned HMR-3, a residential district. Parleaux Beer Lab, located at 634 Lesseps is zoned HM-MU and abuts 4218 Royal, zoned HMR-3, a residential district. Likewise, Bar Redux, located at 801 Poland Avenue, is zoned HMC-2. It abuts 813 Poland Avenue, zoned HMR-3, a residential district. The former home of Oxalis restaurant at 3160 Dauphine Street is zoned HMC-1 and abuts 3154 Dauphine, zoned HMR-3, a residential district. Satsuma at 3214 Dauphine, zoned HMC-1, abuts 3217, 3221 and 3225 Dauphine, zoned HMR-3.

Although Councilmember Gisleson Palmer who proposed these amendments has stated that this legislation “will not affect existing businesses who already operate with outdoor spaces,” Statement of Kristin Gisleson Palmer, dated June 10, 2019, <https://council.nola.gov/news/june-2019/district-c-councilmember-kristin-gisleson-palmer-i/>, if adopted, this ban would indeed have an impact on existing businesses.

If these amendments become law, existing businesses utilizing outdoor spaces for dining and live entertainment will become non-conforming uses. So, while, those businesses would be allowed to continue to operate their outdoor spaces, should the business cease to operate for six months, those businesses, upon attempting to resume operations, would be barred from having outdoor dining and live entertainment. Thus, circumstances beyond the control of the owner or operator could force a 6-month's cessation of operations: hurricane and tornado damage could take 6 months or longer to remediate; the death or critical illness of an owner could force the business to shutter for at least 6 months; unanticipated delays in remodeling of the premises could also force a lapse in operations for 6 months or longer. In the case of 3160 Dauphine, since Oxalis ceased operations one year ago, the property has sat empty, the owner unable to find a tenant.

The ban will have a detrimental effect on the culture of Bywater.

Residents of Bywater enjoy outdoor dining and music as essential parts of our culture. Almost every restaurant in the neighborhood has outdoor space where patrons congregate. Bacchanal is a prime example. Other neighborhood eateries that utilize outdoor space include Parleaux Beer Lab, St. Germain Wine, Satsuma, Bar Redux, N7 and Polly's.

The ban will discourage new business development, particularly in the St. Claude Arts & Cultural Overlay.

At the suggestion of Councilmember Gisleson Palmer during her former term on the Council, the BNA proposed the overlay to stimulate economic development on St. Claude Avenue, particularly in arts and cultural uses, with an emphasis on providing venues for live entertainment. With almost every lot fronting on St. Claude having residentially-zoned properties abutting them, no new outside dining or live entertainment will be allowed along the strip between Press Street and Poland Avenue.

The ban will NOT bring our neighborhood in line with other neighborhoods in the City.

There are those who claim that this ban will bring our neighborhood in line with other neighborhoods in the City. That, however, is not true. In fact, the proposed ban on outdoor dining and music in our neighborhood would make our zoning more restrictive than the zoning in Historic Urban neighborhoods. For example, in Historic Urban neighborhoods, non-residential zoning districts have a required rear yard of 15' if abutting a residential district. In other words, restaurants in those neighborhoods may use outdoor rear space for dining so long as it is not within 15' of the abutting residential property. Historic Core non-residential districts have no required rear yards. Thus, under the proposed ban, restaurants in Bywater may use none of their outdoor rear space.

Article 4, Section 4.2.E (Table 4-1: Standards for Zoning Amendments) of the CZO dictates that the proposed amendments be rejected.

"The City Planning Commission recommendation and the City Council decision on any zoning text or map amendment are matters of legislative discretion. In making their recommendation and decision, the City Planning Commission and the City Council **shall**

Robert D. Rivers

August 5, 2019

Page 3

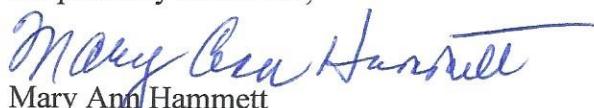
consider the standards in Table 4-1: Standards for Zoning Amendments below.” Article 4, Section 4.2.E, emphasis added. Standard 11 states as follows: “The proposed amendment does not create a significant number of nonconformities.”

As almost every eatery in Bywater utilizes outdoor space and abuts a residential district, it is ludicrous to suggest that the proposed amendments can satisfy this requirement!

Conclusion.

For all the foregoing reasons, the Bywater Neighborhood Association urges the Commission to recommend to the City Council that the amendments proposed not be adopted.

Respectfully submitted,



Mary Ann Hammett

Chair, Board of Directors

cc: Councilmember Kristin Gisleson Palmer

Councilmember Helena Moreno

Councilmember Jason Williams

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 12:08 PM
To: Nicolette P. Jones
Subject: FW: Against the ban

Follow Up Flag: Follow up
Flag Status: Flagged

From: Harvey Wier [<mailto:harvey.wier@gmail.com>]
Sent: Monday, August 5, 2019 7:44 AM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: Against the ban

EMAIL FROM EXTERNAL SENDER

As a resident in Bywater who enjoys the vibrant culture here - I am against the ban on outdoor music in commercial venues as proposed by councilman Giselson Palmer

Thank you

Harvey Wier

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 1:51 PM
To: Nicolette P. Jones
Subject: FW: Opposition to Bywater Zoning Amendment

Follow Up Flag: Follow up
Flag Status: Flagged

From: Val Luccardi [<mailto:vall@brookecompanies.com>]
Sent: Monday, August 5, 2019 11:29 AM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: Opposition to Bywater Zoning Amendment

EMAIL FROM EXTERNAL SENDER

To Whom It May Concern,

As a former Bywater resident and frequent patron of Bywater businesses, I wanted to voice my opposition to the zoning amendment that would ban outdoor dining and music for commercial properties. This would have a lasting negative impact on the area, local businesses and affect any prospective businesses in the area. This would also hurt the musicians who work at these venues and have been crucial to supporting tourism, hospitality and the local businesses. Please share my comments with the zoning commission, as I am firmly **OPPOSED**.

Thank You,

Valentina Luccardi
New Orleans, LA
70117

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 12:04 PM
To: Nicolette P. Jones
Subject: FW: Opposition to ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: Lauren McCabe [<mailto:lmccabe2108@gmail.com>]
Sent: Sunday, August 4, 2019 11:42 PM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: Opposition to ZD 80/19

EMAIL FROM EXTERNAL SENDER

To Robert Rivers,

As a resident and property owner of the Bywater, I oppose the motion to ban outdoor music and dining in the Bywater, Marigny and Treme.

Outdoor dining and entertainment are part of the culture of our neighborhood; to ban this is an assault on our culture.

I am requesting that you vote NO on this motion.

Thank you,

Lauren McCabe

--

Lauren McCabe
Yoga Teacher / Beautycounter Consultant
[//Beautycounter.com/lmccabe](http://Beautycounter.com/lmccabe)
LaurenMcCabeYoga.com
Instagram/@MermaidChronicles

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 1:53 PM
To: Nicolette P. Jones
Subject: FW: Opposition to ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: Rob Davis [<mailto:rob@robdavisphotography.com>]
Sent: Monday, August 5, 2019 1:10 PM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: Opposition to ZD 80/19

EMAIL FROM EXTERNAL SENDER

Mr. Rivers,

As a resident of the Bywater, I'm writing today to express my opposition to ZD 80/19, motion to amend zoning ban outdoor dining and music. I believe zoning laws like these are not in line with the spirit and history of the neighborhood, and discourage business development along these lines.

Please reconsider this amendment.

Best,

Rob Davis
rob davis | photography
robdavisphotography.com
rob@robdavisphotography.com
(504) 298-9762

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 1:51 PM
To: Nicolette P. Jones
Subject: FW: Outside Music and Dining Ban

Follow Up Flag: Follow up
Flag Status: Flagged

From: Dave Park [<mailto:ogdipark1@yahoo.com>]
Sent: Monday, August 5, 2019 11:50 AM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: Outside Music and Dining Ban

EMAIL FROM EXTERNAL SENDER

Dear Robert D. Rivers,

I am a home owner in the Bywater and would urge you to vote against the ban on outdoor music and dining. We love outdoor food and music in our neighborhood and banning their further development will negatively impact our economy and enjoyment. I urge you to vote against banning existing and future outdoor music and dining.

Thank you,

David Park
919 Congress St.
Nola, 70117.

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 12:02 PM
To: Nicolette P. Jones
Subject: FW: Proposed ban

-----Original Message-----

From: Ashley Beach [mailto:theashybeach@yahoo.com]
Sent: Monday, August 5, 2019 11:04 AM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: Proposed ban

EMAIL FROM EXTERNAL SENDER

To whom it may concern,

I am opposed to the ban of outdoor music and seating on businesses and restaurants in the Bywater. As a 5th generation New Orleans native and a long time resident of the St. Roch neighborhood, I'm appalled that the city would even consider such a culture-eradicating ban. This would change the landscape of our beloved neighborhood in the most undesirable ways.

If there are problematic establishments, I encourage your staff to address those on an individual basis, rather than throwing a suffocating blanket over our entire neighborhoods unique ecosystem.

I am a working musician, and due to the light and inviting nature of most of my repertoire, a good portion of my income stems from playing outdoors, at restaurants, farmers markets, and the like. This ban would directly affect how I make my living.

I'm hired also because of my consideration of the people in a given space. My volume is courteous, and I strive to keep everyone happy.

As I said before, please don't throw a blanket over everyone if you are having a problem with a few select establishments.

Please consider voting against this ban.

Thank you for your time,

Ashley Beach

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 12:09 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/18

Follow Up Flag: Follow up
Flag Status: Flagged

-----Original Message-----

From: Elizabeth Macey [mailto:emaceymontegut@gmail.com]
Sent: Monday, August 5, 2019 9:01 AM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/18

EMAIL FROM EXTERNAL SENDER

I support the ban on outside dining and music to commercial properties that abut residential properties. I live in the Bywater, I have since 1995. I own my home and enjoy the peace of living in a residential neighborhood. I do not wish to see St Claude turn into the next Frenchmen or Bourbon Street.

Sent from my iPhone

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 12:07 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19 In support of ban

Follow Up Flag: Follow up
Flag Status: Flagged

From: miss monique [<mailto:mleonstudio@gmail.com>]
Sent: Monday, August 5, 2019 6:51 AM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19 In support of ban

EMAIL FROM EXTERNAL SENDER

Mr.Rivers,

In short I am in support of the ban ZD 80/19 proposes.
I support the motion to amend zoning to ban outdoor dining/ music in commercial/ mixed use property yards that abut residential properties.

Ive lived in Bywater/Marigny area for half my life, decades...with small stints & travelling in other places and come to see the Bywater/ Marigny as possibly the best neighborhoods in the world to live in.

One reason is the people,the community the neighbors.
Its a great place to live...that means coming and going from work,relaxing in your yard,sleeping & having relatively familiar faces...friendly/ neighborly ones to interact with.
What Ive witnessed recent years the slow erosion of the consideration of its long term residents in favor of in coming businesses (particularly being backed by the BNAs agenda for higher density and desire to transform their real estate interests into the new Frenchman st)

Why? Ive seen my long time neighbors struggle with the demise of ability to enjoy their homes as a new bar or restaurant moves in...the lack of consideration to a neighbor...the increase of noise, and smell and high traffic has destroyed their life at home. I do not want to see more people that happens to.

So I say no to increasing that potential. Please support the ban with me.
Most sincerely Monique Leon
2807 n Rampart st nola 70117

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 12:02 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19 vote no

Follow Up Flag: Follow up
Flag Status: Flagged

-----Original Message-----

From: Stephen Agans [mailto:stephenagans@gmail.com]
Sent: Monday, August 5, 2019 9:48 AM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19 vote no

EMAIL FROM EXTERNAL SENDER

My name is Stephen Agans and as a bywater resident I want you to vote NO on the proposed noise ordinance.

The bywater is great BECAUSE of the great businesses in the area. Blocking outdoor use would have a huge, negative impact on what makes our bywater a wonderful place to live.

If you are serious about noise pollution, how about addressing that train issue? Not waking up at 4am to the wailing train whistle would be great- Steve Agans Sent from my iPhone

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 1:53 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: Lindsey B. Jakiel Diulus [<mailto:lindsey.jakiel@gmail.com>]
Sent: Monday, August 5, 2019 1:21 PM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

Dear Mr. Rivers,

I am writing to express my strong opposition to ZD 80/19. I am a resident of the Bywater, residing at 639 Independence St. As a registered voter in Ward 9/Precinct 11, I am registered under the name Lindsey Brooke Jakiel.

Restricting outdoor dining and entertainment in the downtown neighborhoods would have a direct, negative effect on current residents and business owners. If ZD 80/19 passes, you will be actively DECREASING my quality of life and that of my neighbors.

These districts (HMC-1 Historic Marigny/Tremé/Bywater Commercial District, HMC-2 Historic Marigny/Tremé/Bywater Commercial District, and HM-MU Historic Marigny/Tremé/Bywater Mixed-Use District) are known for their unique mix of commercial and residential properties and the experiences that are available to residents and visitors because of this mix.

ZD 80/19 DOES NOT bring the downtown neighborhoods into alignment with other neighborhoods. In addition, ZD 80/19 will not allow the full potential of the St. Claude Arts & Cultural overlay district.

ZD 80/19 is irresponsible and will hamper economic development and stifle our cultural economy.

Thank You,
Lindsey Jakiel Diulus

Lindsey B. Jakiel Diulus, Ph.D.

lindsey.jakiel@gmail.com
[\(518\) 578-3552](tel:(518)578-3552)
[Connect with me on LinkedIn!](#)

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 12:09 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: Steffany Bernstein-Pratt [<mailto:bchexec@aol.com>]
Sent: Monday, August 5, 2019 9:07 AM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

As a resident of the Bywater, I vote NO on the outdoor music ban in our neighborhood.

Steffany Bernstein-Pratt

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 12:09 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: Dia Napolitano [<mailto:dianapolitano@yahoo.com>]
Sent: Monday, August 5, 2019 8:59 AM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

Please do not eliminate outdoor dining & music in the Bywater. Thank you from a Bywater resident. Dia

Dia Napolitano
504 833 4738 Home
504 458 8011 Cell
dianapolitano@yahoo.com

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 12:09 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: J. Michael Moorse [<mailto:jmmoorse@gmail.com>]
Sent: Monday, August 5, 2019 8:58 AM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

Dear Mr. Robert D. Rivers,

The motion to amend the zoning to ban outdoor seating is opposition to the majority if not all of the Bywater community. My wife and I live at 3614 St Claude Ave, New Orleans, LA 70117 and would like to voice our strong opposition for such an absurd ban. Perhaps the honorable councilwoman Palmer should look to sensible legislation, instead of a ban that does NOTHING for the community except harm potential businesses. We are seeing wonderful growth in the neighborhood and hope to continue that growth in the future. We will oppose the ban and look perhaps to the election to voice such opposition if you continue with the zoning change.

Thank you,

J. Michael Moorse

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 12:08 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: Jordan Dinser [<mailto:jordan.dinser@selu.edu>]
Sent: Monday, August 5, 2019 8:18 AM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

Please don't limit outdoor dining and music in new businesses in the Bywater. This is an important part of our neighborhood!

-Jordan D.

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 12:07 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: Jeff Bazzi [<mailto:jbazzi@gmail.com>]
Sent: Monday, August 5, 2019 6:27 AM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

Robert,

As a Bywater resident I vehemently oppose the legislation being brought up by Kirsten Palmer. The current and future outdoor spaces this would affect (especially as the area north of St Claude is developed out) is detrimental to the fabric of what makes the Bywater the Bywater. We enjoy a vibrant neighborhood. We enjoy places that continue to bring the community together. We enjoy places that our neighborhood can show off to both tourists visiting and the rest of the city. It's also impossible to overlook the pure facts that if outdoor spaces no longer exist, there's less people outside (obviously), which will in turn probably lead to higher levels of gun violence. She doesn't live in our neighborhood thus it's VERY easy to conclude she's taking money from someone to make this nonsensical proposal.

Warmest regards,
J

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 12:07 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: Paige Daye [<mailto:paigedaye@yahoo.co.uk>]
Sent: Monday, August 5, 2019 6:18 AM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

Hello, My name is Paige Daye and I live at 3038 Saint Claude. When I first moved in almost 2 years ago I was well aware that I live in an area that is by a bunch of bars and restaurants, all of which I adore and have always been wonderful neighbors. However, what I was not aware of was that my landlord would be turning our shared yard amongst other residents into a shared yard with 2 short terms and a bar. It was not until my dog was continuously being let out that I asked for some sort of fencing to keep her from being let out, that is when we were approached by Cole Newton the owner of The Domino. He sat with us in our home and asked if we would allow for their bar to use our alley as their fire escape which we had NO issue with, as long as a privacy fence was put up and proper signage was placed about our space being entered for escape purposes only. None of these agreements were upheld and we're awarded a 4 foot "privacy" fence with a gate that isn't labeled.

I do not wish for outdoor seating to be banned, but what I do ask is that you consider that some people regardless of their zoning are being taken advantage of and forced to share spaces with strangers with absolutely no guarantees of privacy or reimbursement of any stolen items from absolutely space they lived at before a bar was there.

I gave these people permission to have their space because I love this area, but they did not uphold their promises, and now I've had to spend my money to put up a barrier so I don't have people staring into my yard.

[Sent from Yahoo Mail on Android](#)

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 12:02 PM
To: Nicolette P. Jones
Subject: FW: stop ZD 80/19 (the proposed ban on outdoor eating/music in Bywater)

Follow Up Flag: Follow up
Flag Status: Flagged

From: Johnson, T R [<mailto:trj@tulane.edu>]
Sent: Monday, August 5, 2019 9:47 AM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: stop ZD 80/19 (the proposed ban on outdoor eating/music in Bywater)

EMAIL FROM EXTERNAL SENDER

Dear Mister Rivers,

I'm writing to you to express my opposition to the proposed ban on outdoor restaurants/music in the Bywater. It is an absurd idea that will have an extremely negative impact on the beloved cultural and commercial life of this vibrant neighborhood. You must strike it down. I cannot begin to understand why Palmer has proposed it. She has connections to this part of the city and presumably grasps its charms and its strong appeal to visitors and, above all, the way this vibrant cultural/commercial aspect has transformed this area from the ratty ghetto of the 1980s and 1990s into one of the most celebrated neighborhoods in the United States. Please, therefore, please strike down the proposed ban known as ZD 80/19!

T. R. Johnson
3059 Royal Street
Bywater / New Orleans 70117

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 12:05 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: Matt Petersen [<mailto:matthew.allen.petersen@gmail.com>]
Sent: Monday, August 5, 2019 6:13 AM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

Dear Mr. Rivers,

I'm writing to express my strong disapproval of the proposed change to restrict outdoor venues in the Bywater area. It will adversely affect the culture of the area. This culture is largely why I moved here to begin with. Making this change limits what makes the Bywater a great place to be.

Thank you

Matt Petersen

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 12:05 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: Jen Staggs [<mailto:jenstaggs@gmail.com>]
Sent: Monday, August 5, 2019 12:37 AM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

Dear. Mr. Rivers,

As a resident in Bywater, I would like you to know that open-air businesses like Bacchanal and The Joint are some of my favorite places. It would be a shame to hurt them by banning outdoor dining and music. Please help us keep Bywater an amazing, artistic, creative, and colorful neighborhood. Please do not ban outdoor seating or music.

Thanks,
Jen Staggs

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 12:05 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: jeremy hope [<mailto:jeremyhope@hotmail.com>]
Sent: Monday, August 5, 2019 12:02 AM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

Mr. Rivers,

I strongly disagree with this proposed change in zoning. The heart and soul of our City is its culture: Food and Music are central and the musicians and purveyors of the Culture should not be under attack by our elected officials. If new transplants to the Bywater are the ones driving this then that's a shame. New Orleans is not Disneyworld. We are homeowners at 711 Bartholomew Street and would hate to see such a change to our neighborhood.

Thank you very much for your time.

All the best,
Jeremy Hope

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 1:53 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: Angela H [<mailto:amkchoctaw@hotmail.com>]
Sent: Monday, August 5, 2019 1:16 PM
To: Robert D. Rivers <rdrivers@nola.gov>; Angela H <amkchoctaw@hotmail.com>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

Hello-

I've just received a notice that a proposal is on the table to ban outside dining and music where businesses are adjacent to residential neighborhoods and I am writing to OPPOSE this ban.

This ban would strike at the very heart of what makes New Orleans, New Orleans. Why is there even such a proposal on the table and who is pushing for this type of legislation? Is this because new folks are moving into this amazing city and then attempting to change the very fabric of this city because now the noise impacts them? Is this why you have stopped live music outside of the Jazz and Heritage Festival? Is this why you have stopped our brass bands from playing live music on the street corners of Frenchmen Street? Why are you allowing this and what do you think this is going to do to the long-term health of this city? Sure in the short-term you might make a few loud voices happy, but if you take away the things that are significant to New Orleans, then we just become a Denver, Colorado.....a clean city with ZERO personality.

This ban will potentially shutdown a Bacchanal, a Parleaux Beer Lab, the Joint, Satsuma, Polly's.....WHY would you want to shutdown businesses that have proven themselves to be financially viable, sustainable and part of the rebirth that has helped New Orleans recover post Katrina????

There must be some new, really loud voices in this city that are attempting to destroy the best parts of New Orleans and it is your job to shutdown the loud voices.....if they don't like how this city operates, then they need to move to Denver, not bring Denver to New Orleans....

Angela M. Henderson (a former Denver resident, now a much HAPPIER New Orleans resident)

*1329 Gallier Street
New Orleans, LA. 70117*



From: Stephen K. Kroll
Sent: Monday, August 5, 2019 12:04 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

-----Original Message-----

From: Erin [mailto:savoiefair64@gmail.com]
Sent: Sunday, August 4, 2019 10:40 PM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

I own a home in this neighborhood and DO NOT SUPPORT THIS BAN! We live here BECAUSE of this culture and banning it will kill what is so vital to gathering and coming together. Please reconsider this!!!

Erin Phelps

URGENT!

Assault on the Culture of Bywater

Councilmember Kristin Gisleson Palmer's motion to amend our zoning to ban outdoor dining and music in any rear yard, front yard or side yard of commercial and mixed-use properties that abut residential properties in Bywater, Marigny and Tremé comes before the City Planning Commission (CPC) on Tuesday, August 13, 2019. The BNA opposes this assault on our culture.

- The ban will have a detrimental effect on the culture of Bywater.

Residents of Bywater enjoy outdoor dining and music as essential parts of our culture. Almost every restaurant in the neighborhood has outdoor space where patrons congregate. Bacchanal is a prime example. Other neighborhood eateries that utilize outdoor space include Parleaux Beer Lab, St. Germain Wine, Satsuma, Bar Redux, N7 and Polly's.

- The ban will affect existing businesses.

Businesses already operating with outdoor spaces will be affected if the amendment passes as they would become non-conforming uses. That means that, while those businesses would be allowed to continue to operate their outdoor spaces, should the business cease to operate for six months, those businesses, upon attempting to resume operations, would be barred from outdoor dining and live entertainment.

- The ban will discourage new business development, particularly in the St. Claude Arts & Cultural Overlay.

At the suggestion of Councilmember Gisleson Palmer during her former term on the Council, the BNA proposed the overlay to stimulate economic development on St. Claude Avenue, particularly in arts and cultural uses, with an emphasis on providing venues for live entertainment. With almost every lot

fronting on St. Claude having residentially-zoned properties abutting them, no new outside dining or live entertainment will be allowed along the strip between Press Street and Poland Avenue.

- The ban will NOT bring our neighborhood in line with other neighborhoods in the City.

We have been told that this ban will bring our neighborhood in line with other neighborhoods in the City. That, however, is not true. In fact, the proposed ban on outdoor dining and music in our neighborhood would make our zoning more restrictive than Historic Urban neighborhoods. For example, in Historic Urban neighborhoods, non-residential zoning districts have a required rear yard of 15' if abutting a residential district. In other words, restaurants in those neighborhoods may use outdoor rear space for dining so long as it is not within 15' of the abutting residential property. Historic Core non-residential districts have no required rear yards. Thus, under the proposed ban, restaurants in Bywater may use none of their outdoor rear space.

What can you do?

If you want Bywater to continue to offer outside dining and music, write to the City Planning Commission and express your opposition to the ban on outside dining and music. The deadline for written comments is Monday, August 5, by 5 p.m. Address your comments to Robert D. Rivers, rdrivers@nola.gov. On the subject line put ZD 80/19. You may also comment in person at the hearing.

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 12:03 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: Coral Cyzewski [<mailto:coralcyzewski@gmail.com>]
Sent: Monday, August 5, 2019 10:10 AM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

Hello,

I am writing to express my opposition to the ban on outside dining and music as proposed by Councilmember Kristin Gisleson Palmer. I believe this ban will have negative effects for the Bywater neighborhood's residents and businesses.

Sincerely,
Coral Cyzewski

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 12:03 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

-----Original Message-----

From: Eileen Minahan [mailto:eminahan@yahoo.com]
Sent: Monday, August 5, 2019 10:14 AM
To: Robert D. Rivers <rdrivers@nola.gov>
Cc: Matt Petersen <matthew.allen.petersen@gmail.com>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

Dear Mr. Rivers:

I strongly oppose the proposed ban/restriction on outdoor dining and music in the Bywater neighborhood - and am so saddened that this is even an issue to be fought.

The eclectic charm of the Bywater is only enhanced and enriched by unique venues that provide a place for neighbors to gather. Music is essential to the culture and vibe of this great place, a place like no other. We moved to New Orleans earlier this year because this neighborhood is so special- to us, a hidden gem.

Now to think that the very reason we made the move is being threatened is horrible news to us.

To think that the strip of St Claude between Poland and Press- which can only be enhanced and improved with new venues providing services, outdoor spaces, entertainment and a place for people to feel safe- is going to be restricted if this should go through is heartrending. There is so much potential that will be lost.

We love this city that we now call home. Please please please do not let this neighborhood get lost in the shuffle - It should be preserved and protected as the haven it is for true New Orleans culture.

Eileen Minahan

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 12:03 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: Bob Freilich [<mailto:bobfreilich@gmail.com>]
Sent: Monday, August 5, 2019 10:45 AM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

Dear Mr Rivers

This proposal is a terrible idea. I agree completely with Bywater Neighborhood Association's Assessment that CM Palmer's proposal is an assault on the culture of Bywater.

I would go further: it is an assault on the culture and real history of New Orleans.

This misguided, destructive residentialist regulation must be blocked.

Thanks -

Bob Freilich

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 1:52 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: Heather Cushman [<mailto:h.e.cushman@gmail.com>]
Sent: Monday, August 5, 2019 12:30 PM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

Dear Robert D. Rivers,

I am a resident of the Bywater neighborhood and I am writing to express my opposition to the proposed ban on outside dining and music in my neighborhood. Please do not pass Councilmember Kristin Gisleson Palmer's motion on this matter.

Let me know if you have any questions.

Best,

Heather Cushman
925 Clouet St
New Orleans, LA 70117

--

Heather Cushman
Phone: 781-540-8360
Email: h.e.cushman@gmail.com

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 1:52 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: Jenaphur Krantz [<mailto:jenaphur@gmail.com>]
Sent: Monday, August 5, 2019 12:25 PM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

Dear Mr. Robert D Rivers,

I strongly oppose this ban as it will be detrimental to local businesses and the neighborhood in general. I fully support the Bywater continuing to offer outside dining and music. New Orleans has always been different than other cities, and I don't support enforcing these sort of rules in "The Big Easy" as it will impact its culture.

I believe that these rules are a result of non-locals moving into these neighborhoods and trying to change its culture. Locals haven't had any issues with noise, or else this ban would've been proposed a long time ago. New Orleans caters enough to tourists...Let the locals have (or in this case, keep) something for a change. Please don't remove one of the very perks to living in these neighborhoods. Anyone complaining of noise should move to the suburbs.

Thank you,

Jenaphur Krantz

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 1:52 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: Gabrielle Gaspard [<mailto:gabrielle.a.gaspard@gmail.com>]
Sent: Monday, August 5, 2019 12:07 PM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

Attn: Robert D. Rivers

I would like to express my opposition to Councilmember Kristin Gisleson Palmer's Motion M-19-238 to amend zoning to ban outdoor dining and music in Bywater, Marigny, and Tremé that is to come before the City Planning Commission on Tuesday, August 13, 2019.

I am a resident of the Bywater as well as a Board Member of the Bywater Neighborhood Association and am very passionate about my neighborhood and preserving the culture that it embodies. One of the great draws of the Bywater is its eclectic style and nature, especially within the dining and entertainment areas, which this motion will undoubtedly impede. I strongly believe that the approval of this motion will have a detrimental effect on businesses and patrons alike and encourage the City Planning Commission to vote against the passing of this zoning amendment.

Sincerely,

Gabrielle Gaspard
Contact: (504) 460-8345

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 1:51 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: Becky Williams [<mailto:rlw.williams@gmail.com>]
Sent: Monday, August 5, 2019 12:04 PM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

Mr. Rivers,

I oppose changing the zoning to ban outdoor dining and music at venues that are adjacent to residential lots. I own a home on Spain St right off of St Claude and having new restaurants, bars, and music venues is a part of living in the neighborhood that I enjoy. Please take this into consideration on this issue. I hope residents can use other means like discussion with their neighbors and neighboring businesses to deal with issues that might arise in the future, but I don't want something as permanent as a zoning change to inhibit growth and vitality.

Thank you for your time,

Rebecca Williams
rlw.williams@gmail.com

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 1:51 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: Phyllis Parun [<mailto:pbsparun@yahoo.com>]
Sent: Monday, August 5, 2019 11:19 AM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

PRESERVE NOLA ADN BYWATER

No ban on neighborhood existing business entertainment. And no more commercial B&B facilities.

These policies are crushing the existing neighborhood history and culture and enjoyment.

MORE PRESERVATION PRACTICES

Already letting the antique houses here be renovated by tearing out plaster and using hardy board is turning New Orleans in the a reproduction of its former city.

KEEP WHAT IS UNIQUE OF LEAVE

IF YOU WANT TO LIVE IS A BORING TOWN MORE TO ONE. LIKE LA OR DC, DETROIT OR SEATTLE.

Warmly,
PHYLLIS PARUN

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 1:39 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: Robert D. Rivers
Sent: Monday, August 5, 2019 1:30 PM
To: Stephen K. Kroll <skroll@nola.gov>
Subject: FW: ZD 80/19

From: Phyllis Parun [<mailto:pbsparun@yahoo.com>]
Sent: Monday, August 5, 2019 11:19 AM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

PRESERVE NOLA ADN BYWATER

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KEEP WHAT IS UNIQUE OF LEAVE

IF YOU WANT TO LIVE IS A BORING TOWN MORE TO ONE. LIKE LA OR DC, DETROIT OR SEATTLE.

**Warmly,
PHYLLIS PARUN**

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 12:10 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

-----Original Message-----

From: Erin [mailto:savoiefair64@gmail.com]
Sent: Sunday, August 4, 2019 10:40 PM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

I own a home in this neighborhood and DO NOT SUPPORT THIS BAN! We live here BECAUSE of this culture and banning it will kill what is so vital to gathering and coming together. Please reconsider this!!!
Erin Phelps
URGENT!
Assault on the Culture of Bywater

Councilmember Kristin Gisleson Palmer's motion to amend our zoning to ban outdoor dining and music in any rear yard, front yard or side yard of commercial and mixed-use properties that abut residential properties in Bywater, Marigny and Tremé comes before the City Planning Commission (CPC) on Tuesday, August 13, 2019. The BNA opposes this assault on our culture.

- The ban will have a detrimental effect on the culture of Bywater.
Residents of Bywater enjoy outdoor dining and music as essential parts of our culture. Almost every restaurant in the neighborhood has outdoor space where patrons congregate. Bacchanal is a prime example. Other neighborhood eateries that utilize outdoor space include Parleaux Beer Lab, St. Germain Wine, Satsuma, Bar Redux, N7 and Polly's.

- The ban will affect existing businesses.
Businesses already operating with outdoor spaces will be affected if the amendment passes as they would become non-conforming uses. That means that, while those businesses would be allowed to continue to operate their outdoor spaces, should the business cease to operate for six months, those businesses, upon attempting to resume operations, would be barred from outdoor dining and live entertainment.

- The ban will discourage new business development, particularly in the St. Claude Arts & Cultural Overlay.

At the suggestion of Councilmember Gisleson Palmer during her former term on the Council, the BNA proposed the overlay to stimulate economic development on St. Claude Avenue, particularly in arts and

cultural uses, with an emphasis on providing venues for live entertainment. With almost every lot fronting on St. Claude having residentially-zoned properties abutting them, no new outside dining or live entertainment will be allowed along the strip between Press Street and Poland Avenue.

- The ban will NOT bring our neighborhood in line with other neighborhoods in the City.

We have been told that this ban will bring our neighborhood in line with other neighborhoods in the City. That, however, is not true. In fact, the proposed ban on outdoor dining and music in our neighborhood would make our zoning more restrictive than Historic Urban neighborhoods. For example, in Historic Urban neighborhoods, non-residential zoning districts have a required rear yard of 15' if abutting a residential district. In other words, restaurants in those neighborhoods may use outdoor rear space for dining so long as it is not within 15' of the abutting residential property. Historic Core non-residential districts have no required rear yards. Thus, under the proposed ban, restaurants in Bywater may use none of their outdoor rear space.

What can you do?

If you want Bywater to continue to offer outside dining and music, write to the City Planning Commission and express your opposition to the ban on outside dining and music. The deadline for written comments is Monday, August 5, by 5 p.m. Address your comments to Robert D. Rivers, rdrivers@nola.gov. On the subject line put ZD 80/19. You may also comment in person at the hearing.

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 12:04 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19.

Follow Up Flag: Follow up
Flag Status: Flagged

From: Nahum Laventhal [<mailto:slipnfall2003@yahoo.com>]
Sent: Sunday, August 4, 2019 3:20 PM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19.

EMAIL FROM EXTERNAL SENDER

I am opposed to this zoning change of Palmer. It will harm Bywater and its charm and character. Please vote no.

Nahum Laventhal

Sent from [Mail](#) for Windows 10

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 12:04 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19.

Follow Up Flag: Follow up
Flag Status: Flagged

From: Leona Strassberg Steiner [<mailto:leonastr@gmail.com>]
Sent: Monday, August 5, 2019 10:11 AM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19.

EMAIL FROM EXTERNAL SENDER

To whom this may concern
As a resident of the Bywater, one of the reasons we chose to live in the Bywater was her culture.
Taking away our music and a way to celebrate our existence here in New Orleans is absolutely non negotiable!

We pride in our parties and music!

I am a resident: 715 Lesseps st, smack in the middle between Vaughn's and BJ's... why would anyone who wants to gut our culture shouldn't have moved here in the first place!

Sincerely

Leona Strassberg Steiner

--

Sent from Gmail Mobile

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 12:05 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19.

Follow Up Flag: Follow up
Flag Status: Flagged

-----Original Message-----

From: Michelle Doyle [mailto:mdoyledc@gmail.com]
Sent: Monday, August 5, 2019 5:58 AM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19.

EMAIL FROM EXTERNAL SENDER

As a resident of the Bywater, I strongly oppose the proposed ban on outdoor dining and music in any rear yard, front yard or side yard of commercial and mixed-use properties that abut residential properties in Bywater. We regularly patronize many of the current businesses that would be affected, some of them steps from our doorway. The walkability of our life in the Bywater is partially due to the availability of wonderful neighborhood establishments. If the Bywater is not allowed to remain the Bywater we might as well live in Cleveland. Please let "listen" to your city, drop this NIMBY idea, and embrace our culture. Thank you for reading this and supporting our community.

Sincerely,
Michelle Doyle

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 1:54 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: Costas Constantinou [<mailto:costascnola@hotmail.com>]
Sent: Monday, August 5, 2019 1:22 PM
To: Robert D. Rivers <rdrivers@nola.gov>
Cc: Kristin G. Palmer <Kristin.Palmer@nola.gov>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

Robert,

I am writing in support of the amendment to ban outdoor dining in any rear yard, or side yard of commercial and mixed-use properties that abut residential properties in Bywater. We need to be allowed to have peace and quiet in our own houses. We, and our children, need to be able to come home from work and be able to sleep, rested so we can work and pay our not so low taxes.

I feel that Bywater is under constant siege and that the City is trying to squeeze us dry. Everybody wants to make money off our neighborhood, while abusing the residents. Enough is enough!

Thanks,

Costas Constantinou
700 Piety

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 12:08 PM
To: Nicolette P. Jones
Subject: FW: ZD80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: Mattea Heldner [<mailto:mheldner@balfinancialllc.com>]
Sent: Monday, August 5, 2019 7:31 AM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD80/19

EMAIL FROM EXTERNAL SENDER

Hello,

I would like to express my outrage at the bill put forth by Kristen Palmer. This will have a negative impact on my neighborhood and on the culture of this neighborhood. I am a member of the BNA. Palmer has never come to us to discuss this with us. If this were to pass, it would keep new businesses from opening and have a very negative impact on many existing ones. Entertainment is one of the things that has made this area thrive. When I first invested in a home in 2011 there were many blighted houses, and quite a few drug houses, in my area. They are now gone and not due to any effort by NOPD, but because we did not make a welcoming atmosphere for them to be in. If we start to restrict outdoor dining and some music we will turn the clock back to when most of this area was a slum. Ms Palmer has been very deceptive, as she initially discussed with us how to encourage more businesses to open along the St Claude corridor. By mandating that they cannot abut any residences she will effectively shut down any that already exist and barr any new ones from opening, because, as she ought to know, we do not have yards large enough to accommodate the mandates of her bill. I would like to urge you to keep all this in mind and reject this bill because it truly will kill this neighborhood.

regards

Mattea Heldner
1128 Pauline St

Mattea Heldner
direct phone: (617) 595-5794
fax (817) 987-3216
mheldner@balfinancialllc.com
www.balfinancialllc.com

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 12:09 PM
To: Nicolette P. Jones
Subject: FW: ZF 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

-----Original Message-----

From: Camella Clements [mailto:camella.fern@gmail.com]
Sent: Monday, August 5, 2019 8:56 AM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZF 80/19

EMAIL FROM EXTERNAL SENDER

I am writing to express my opposition to Councilmember Palmer's motion to amend zoning to ban outdoor dining and music in any rear yard, front yard or side yard of commercial and mixed-use properties that abut residential properties in Bywater, Marigny and Tremé. I am a homeowner and resident of the Bywater, and I feel that this would be detrimental to the culture of the neighborhood. I support and enjoy businesses with outdoor seating and music, and I feel that these places are quintessentially New Orleans. I feel strongly that this would inhibit thoughtful development along St. Claude, a street that has been improved greatly by businesses such as Domino, St Germain, Sneaky Pickle, and many more. Personally I would love to see the continued improvement along St. Claude and eventual replacement of the convenient stores which attract loitering, noise, littering, and possibly prostitution and drug-dealing. I see this activity daily when I cross St Claude. Thank you for your consideration of my comments.

Camella Clements
610 independence st
New Orleans, la 70117

Sent from my iPhone

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 12:08 PM
To: Nicolette P. Jones
Subject: FW: Zd 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: Gregory Caudill [<mailto:caudill187@gmail.com>]
Sent: Monday, August 5, 2019 8:51 AM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: Zd 80/19

EMAIL FROM EXTERNAL SENDER

I am a homeowner in the bywater that opposes the ban. I believe this would detrimentally effect the areas culture and development.

Respectfully
Greg Caudill
725 Bartholomew St.
336 926 1588

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 12:03 PM
To: Nicolette P. Jones
Subject: FW: outdoor dining and music in the Bywater

Follow Up Flag: Follow up
Flag Status: Flagged

From: Maxwell Ciardullo [<mailto:maxwell.ciardullo@gmail.com>]
Sent: Monday, August 5, 2019 9:52 AM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: outdoor dining and music in the Bywater

EMAIL FROM EXTERNAL SENDER

Hi CPC staff,

I'm writing as a Bywater resident to strongly oppose the proposed ban on outdoor dining and music in the Bywater. People love the Bywater (and New Orleans in general) because of its lively and vibrant neighborhoods. I moved to the Bywater for that reason and regularly frequent establishments with outdoor dining and music that abut residential zones. I live next door to a corner store where patrons regularly hang out on the street until late at night and the shop downstairs often stays open till 10pm with live music outside. I think the added eyes on the street keep me safe at night and create a sense of neighborhood. And I knew what I was getting into when I moved in. I'm so incredibly tired of NIMBY neighbors trying to change the culture of the neighborhood. If you want a suburban lifestyle move to the suburbs. New Orleans has never been that.

Thank you,

Maxwell Ciardullo
3702 St. Claude Ave

Nicolette P. Jones

From: gsemmes3@aol.com
Sent: Monday, August 5, 2019 2:00 PM
To: CPCinfo
Subject: Backyard use for commercial

EMAIL FROM EXTERNAL SENDER

I Do NOT support banning the use of commercial backyards. It kills business.

Granville Semmes

Sent from my iPhone

Nicolette P. Jones

From: ze daluz <zemondo@cox.net>
Sent: Monday, August 5, 2019 1:50 PM
To: CPCinfo
Subject: I support Zoning Docket 080/19

EMAIL FROM EXTERNAL SENDER

As a 20+ year homeowner and resident full time in Bywater, I support this ordinance, which will lessen the difficulty of maintaining a balance between residential and commercial interests in this neighborhood. There have been numerous conflicts between the noise levels of outdoor bars and entertainment venues (some of which claim to be restaurants) and existing residents - this ordinance aims to fix these problems. There is plenty of opportunity for commercial business inside walls as well as on St Claude Avenue where the back yards do not extend into the neighboring properties.

I hope you will pass this zoning issue. Thank you.

Ze daLuz

3000 Burgundy St, New Orleans, LA 70117

Nicolette P. Jones

From: Lauren Oglesby <lauren.oglesby@gmail.com>
Sent: Tuesday, July 23, 2019 11:11 AM
To: CPCinfo
Subject: Live music/dining in the Treme/Marigny/Bywater

EMAIL FROM EXTERNAL SENDER

Hello,

I'm writing to request that the New Orleans City Council vote No on any proposed restrictions on outdoor dining and outdoor live music in the historic districts of the Treme/Marigny/Bywater.

As a musician, I fear the loss of music venues and opportunities will threaten my livelihood in the city. As a human being, I enjoy outdoor live music and outdoor dining, and oppose any restriction thereof.

Please respond to acknowledge receipt. Once more, I strongly urge all council members to oppose any restriction of two of our city's most precious resources.

Best,

Lauren Oglesby
3301 Canal St
New Orleans, LA 70119

Nicolette P. Jones

From: Ethan Ellestad <director@maccno.com>
Sent: Monday, August 5, 2019 4:13 PM
To: CPCinfo
Subject: MaCCNO opposition to Zoning Docket 080/19

EMAIL FROM EXTERNAL SENDER

City Planning Commission--

I am writing to express the Music and Culture Coalition of New Orleans' opposition to the limits proposed to outdoor live entertainment and dining proposed for the Marigny, Treme, and Bywater in M-19-238 / ZD 080/19.

This proposal, which was written in conjunction with several neighborhood associations, has proven to be both exclusionary and divisive. If we are going to suggest radical changes to New Orleans' culture, we need to have a full community conversation before anything is proposed, and not let a motion written by a very few dictate what is acceptable in several very different neighborhoods.

There is likely common ground to be found, particularly for event venues, but this is not the way to do it.

We oppose the changes proposed, but would happily engage in a new, inclusive process where everyone can provide input from the beginning, before the introduction of any motion or ordinance.

Thank you, and please do not hesitate to contact us with any questions.

--
Ethan Ellestad
Executive Director
Music and Culture Coalition of New Orleans
504-327-7713

NEIGHBORS FIRST FOR BYWATER



Neighbors First for Bywater, LLC
Julie Jones, President
(504) 944-5422
Jjones1@uno.edu

Robert D. Rivers, Executive Director
1300 Perdido St., 7th Floor
New Orleans, LA 70112

Date: August 5, 2019
Re: ZD 80/19

Dear Mr. Rivers,

I am writing to let you and your staff know that the Board of Neighbors First for Bywater voted unanimously to support the so-called "Backyard Ordinance."

With thanks for your attention and best wishes,
Julie Jones, President

Nicolette P. Jones

From: Paige Daye <paigedaye@yahoo.co.uk>
Sent: Monday, August 5, 2019 5:50 AM
To: CPCinfo
Subject: Outdoor seating

EMAIL FROM EXTERNAL SENDER

Hi, I for one do not wish for outdoor seating to be banned entirely, but in my given situation, I live next to a bar that opened up that has awarded me a 4 foot fence as a means of privacy....I feel like as a resident we should have some rights in the matter, but a feel ban is unnecessary. I personally feel like proper fencing and cut off times for outdoor seating is a must.

[Sent from Yahoo Mail on Android](#)

Nicolette P. Jones

From: Alexis Tabor <alexis.c.tabor@gmail.com>
Sent: Tuesday, July 23, 2019 12:59 PM
To: CPCinfo
Subject: Restricting Music & Dining

EMAIL FROM EXTERNAL SENDER

Hi-

I am very much against restricting live entertainment and outdoor dining in any neighborhood in NOLA. It is the soul of this city and the income of many who live here. Please don't mute NOLA!

Nicolette P. Jones

From: Kipp Rhoads <thinkdifferent25@hotmail.com>
Sent: Monday, August 5, 2019 10:06 AM
To: CPCinfo
Cc: FMIA11@wildapricot.org; robert.moossy@outlook.com; Tom Perrault
Subject: Support for M-19-238

EMAIL FROM EXTERNAL SENDER

Hi!

I live at 2515 Dauphine.

Please help ensure the integrity and peace of our neighborhoods by supporting M-19-238.

From what I understand, the encroachment of commercial properties on residential areas should be reviewed on a case-by-case basis to make sure the needs of everyone involved are met.

Thank you,
Kipp Rhoads



Nicolette P. Jones

From: napolap434@yahoo.com
Sent: Monday, August 5, 2019 2:48 PM
To: CPCinfo
Subject: ZD 080/19

EMAIL FROM EXTERNAL SENDER

I am against this ordinance. Many of the existing places (that would have been prevented if this ordinance had been in effect) contribute greatly to the culture of the Bywater. It would be a shame to preclude future contributors.

Tony Napolitano
3810 Royal
NOLA 70117-5732

Sent via the Samsung Galaxy S7 active, an AT&T 4G LTE smartphone

Nicolette P. Jones

From: Jason Richards <jasonbrichards@gmail.com>
Sent: Monday, August 5, 2019 4:13 PM
To: CPCinfo
Subject: ZD 080/19 - Oppose

EMAIL FROM EXTERNAL SENDER

Members of the Planning Commission,

I am writing to express my opposition to the Motion from City Council to ban outdoor uses in HMC and HM-MU zones that abut residential districts. Contrary to the supporters' claims, there is no "glitch in the system." Rather, the current zoning ordinance reflects the recent and historical uses present in the downriver historic neighborhoods of New Orleans.

Treme, Bywater and Marigny have long been neighborhoods where business and residents peacefully coexist. We should not turn our Faubourgs into twentieth-century suburbs.

As a Bywater resident, my main concern is that this amendment would have the consequence, whether intended or unintended, of halting commercial development along St. Claude Avenue. We have many empty commercial buildings that most of us would like to see put into commerce. Prohibiting these properties from using their yards for commercial use would make it that much harder to entice commercial uses to our neighborhood.

Thank you for your consideration,

--
Jason Richards
815 Pauline Street

Nicolette P. Jones

From: craignola@aol.com
Sent: Monday, August 5, 2019 1:50 PM
To: rrivers@nola.gov
Cc: CPCInfo; Mary B. Ocheltree
Subject: ZD 80/19 Outdoor Dinning

EMAIL FROM EXTERNAL SENDER

Robert D. Rivers, Director
City Planning Commission

I am writing to request that the City Planning Commission support the motion to ban outdoor dining and outdoor live entertainment/music in the Bywater properties that abut residential properties.

I understand that Bacchanal obtained permission/permitting through working with the City of New Orleans to provide outdoor dining and live entertainment/music in the Bywater. However, some current businesses that provide outdoor dining and live entertainment/music in the Bywater are operating outside the activities that are allowed in the current zoning regulations. I ask that the City Planning Commission and the Department of Safety and Permits review the activities of the current businesses in the Bywater and eliminate the abuse of the neighborhood when businesses conduct activities that are not sanctioned by the comprehensive zoning ordinance.

Michael Craig Hankins
Bywater Resident for over 19 years

Nicolette P. Jones

From: JOHN ANDREWS <wehatecomputers@cox.net>
Sent: Monday, August 5, 2019 4:18 PM
To: CPCinfo
Subject: ZD80/19

EMAIL FROM EXTERNAL SENDER

Dear CPC. Please support Councilwoman Palmers ordinance ZD 80/19 to protect residents from businesses that want to use their rear or side yards for out door entertainment or dining. This ordinance will not prohibit businesses that are already using their yards form continuing that use. An example of a business that utilized their out door space for music and dining is Bachannal. After this business started using their outdoor space several homeowners ended up having to sell their homes because of the noise issue. Residents have the right to use their homes in a tranquil and peaceful manner and should not be subject to noise and partying that cause them stress merely because a business wishes to use their out door space. Please support our residents and neighbors and support ZD80/19. Thank you John W Andrews

John or Beverly Andrews

Nicolette P. Jones

From: . <knittingduck@aol.com>
Sent: Monday, August 5, 2019 3:46 PM
To: CPCinfo
Subject: Zoning Docket 080/19

EMAIL FROM EXTERNAL SENDER

I am totally in favor of this proposed regulation. As a lifelong resident of New Orleans I can assure you that life in Bywater has changed drastically since it remained dry after Katrina. It has become a haven for investors who would never have considered entering the neighborhood or as it was derogatorily referred to as the 9th ward. Now we can't control their incursions into our lives with their hotels, live entertainment, and noises. This legislation will give us a way to maintain our privacy to some extent.

Anthony J. Eschmann
822 Lesseps St.

*It is no easy matter to go to heaven by way of New Orleans.
REV J C Gregg*

Nicolette P. Jones

From: rmg <nawlinsla@yahoo.com>
Sent: Saturday, August 3, 2019 5:51 PM
To: CPCinfo
Subject: : ZONING DOCKET 080/19

EMAIL FROM EXTERNAL SENDER

Mr. Robert Rivers
Executive Director
City Planning Commission
City of New Orleans
CPCINFO@NOLA.GOV

RE: ZONING DOCKET 080/19

Mr. Rivers,

In most of the city, businesses are required to have yard space and what a business can and cannot do in yard space that abuts a residential district is restricted by the City's zoning ordinances (ex.: CZO 26.6.W). This doesn't seem to apply in the historic districts of Faubourg Marigny, Bywater and Treme. The ordinances do not require any yard space for businesses in these historic districts (CZO Table 10-2) and as interpreted by the City Planners, this means there are no restricted uses on those businesses that DO have yards abutting residential districts.

This interpretation presents a very real threat to all residents whose properties connect to those on Elysian Fields Ave. and St. Claude Ave. Historically these main corridors were mixed use and today still have residences and businesses side by side. Most historical business properties have no yard; the buildings use the whole property. ALL the residences have back yards. Now that these two main corridors have been rezoned commercial (HMC-2), these residences can and have been turned into businesses and their yards, which abut residential districts, are open to business uses.

We have seen this transformation in action already. Sun Yard Hotel proposed to use former residential back yards on St. Claude for a swimming pool and outdoor bar. Then we had the RedHaus on St. Claude asking for outdoor dining, bar and live music in what were residential back yards. This push to use back yards abutting our residential districts will continue, case by case, until the City changes the ordinances.

I ask that you provide Faubourg Marigny, Treme and Bywater the same protections from commercial yard space usage as most of the city has. Please support the proposed text amendment and urge the Commissioners to do so as well.

Sincerely,
Ron Graham
1039 St.Ferdinand street
New Orleans la 70117

504.214.5561

Sent from [Mail](#) for Windows 10

Nicolette P. Jones

From: Jeremiah Lewis <jlewis1067j@gmail.com>
Sent: Monday, August 5, 2019 2:50 PM
To: CPCinfo
Subject: Zoning Docket 080/19

EMAIL FROM EXTERNAL SENDER

Hello,

I live 831 Louisa St, New Orleans, LA 70117.

I support Council-member Palmer's "Backyard" ordinance 100%.

Thank you for this measure which will bring our neighborhood into conformity with the rest of the city.

Jeremiah Lewis

--

Jeremiah Lewis
Espresso Bar Catering
m. 415.412.4923

www.espressobarcatering.us

Nicolette P. Jones

From: Donna Wakeman <donna.wakeman@gmail.com>
Sent: Thursday, August 1, 2019 12:03 PM
To: CPCinfo
Subject: ZONING DOCKET 080/19

EMAIL FROM EXTERNAL SENDER

Mr. Robert Rivers
Executive Director
City Planning Commission
City of New Orleans
CPCINFO@NOLA.GOV

RE: ZONING DOCKET 080/19

Mr. Rivers,

In most of the city, businesses are required to have yard space and what a business can and cannot do in yard space that abuts a residential district is restricted by the City's zoning ordinances (ex.: CZO 26.6.W). This doesn't seem to apply in the historic districts of Faubourg Marigny, Bywater and Treme. The ordinances do not require any yard space for businesses in these historic districts (CZO Table 10-2) and as interpreted by the City Planners, this means there are no restricted uses on those businesses that DO have yards abutting residential districts.

This interpretation presents a very real threat to all residents whose properties connect to those on Elysian Fields Ave. and St. Claude Ave. Historically these main corridors were mixed use and today still have residences and businesses side by side. Most historical business properties have no yard; the buildings use the whole property. ALL the residences have back yards. Now that these two main corridors have been rezoned commercial (HMC-2), these residences can and have been turned into businesses and their yards, which abut residential districts, are open to business uses.

We have seen this transformation in action already. Sun Yard Hotel proposed to use former residential back yards on St. Claude for a swimming pool and outdoor bar. Then we had the RedHaus on St. Claude asking for outdoor dining, bar and live music in what were residential back yards. This push to use back yards abutting our residential districts will continue, case by case, until the City changes the ordinances.

I ask that you provide Faubourg Marigny, Treme and Bywater the same protections from commercial yard space usage as most of the city has. Please support the proposed text amendment and urge the Commissioners to do so as well.

Sincerely,
Donna Wakeman
2815 N. Rampart St.
860.368.8619

--

Donna Wakeman

"To get to New Orleans, you don't pass through anywhere else." Allen Toussaint

Nicolette P. Jones

From: carolyn leftwich <carolynleftwich@yahoo.com>
Sent: Monday, August 5, 2019 3:30 PM
To: CPCinfo
Cc: Kristin G. Palmer; Andrew J. Sullivan; Julie Jones; Michael Bolan; Fred Starr
Subject: Zoning Docket 080/19-Please support this

EMAIL FROM EXTERNAL SENDER

I support Cm. Palmer's proposed zoning change to protect the quality of life of neighbors by curtailing entertainment and outdoor dining that abut residential back yards.

We need this protection in Bywater to ensure that we can enjoy a quality of life that promotes multigenerational living and quality of life—a community where people who need to get up in the morning to go to work or school can do so without interruption from a good night's sleep.

Regards,
Carolyn Leftwich
621 Bartholomew St.

[Sent from Yahoo Mail for iPad](#)

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 3:46 PM
To: Nicolette P. Jones
Subject: FW: Bywater Outdoor Seating and Entertainment

Follow Up Flag: Follow up
Flag Status: Flagged

From: Erin Anderson [<mailto:ekanderson729@gmail.com>]
Sent: Monday, August 5, 2019 2:34 PM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: Bywater Outdoor Seating and Entertainment

EMAIL FROM EXTERNAL SENDER

To whom it may concern,

I am a resident of St Roch and frequent patron of the surrounding bars, restaurants, and other businesses. I am not in favor of banning or otherwise further restricting outdoor or patio seating or live music for these establishments. While I understand the concerns of Bywater residents regarding noise level, I have found the majority of establishments to be very respectful of their surroundings.

New Orleans is a near tropical climate; indoor space blends into outdoor space as a matter of course. Restricting outdoor spaces doesn't just hinder the expansion of businesses, it's antithetical to the design and expected use of space in the city, particularly in heavily developed areas like the Bywater neighborhood.

Thank you,
Erin Anderson

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 3:47 PM
To: Nicolette P. Jones
Subject: FW: Councilmember Palmer's Motion to amend Bywater Zoning to ban Outdoor Dining and Music - Jamie Gisevius Against

Follow Up Flag: Follow up
Flag Status: Flagged

From: Jamie Gisevius [<mailto:jgisevius@jsheld.com>]
Sent: Monday, August 5, 2019 2:18 PM
To: Robert D. Rivers <rdrivers@nola.gov>
Cc: Jessica Pulkowski <jess4pedsrn@gmail.com>
Subject: Councilmember Palmer's Motion to amend Bywater Zoning to ban Outdoor Dining and Music - Jamie Gisevius Against

EMAIL FROM EXTERNAL SENDER

Robert D. Rivers,

My name is Jamie Gisevius and I currently reside at 3119 Burgundy Street in the Bywater along with my wife Jessica, 3 children ages (Spence 5, Elia 10 and Mera 13) and 1 puppy Fyo. We live full time at that residence. We have been living in our beautiful house for 1 year now after purchasing it in July 2018. We love our neighborhood as it is and was when we bought it. We do not agree with the changes being proposed by Councilmember Palmer's Motion to amend the zoning in our neighborhood to ban outdoor dining and music in any rear yard, front yard or side yard of commercial and mixed-used properties that abut residential properties in Bywater, Marigny and Treme. This motion DOES NOT reflect our wishes and goes against the reasons why we purchased property in this area last year with the intent to remain here the rest of our lives. We have made a lifelong commitment to this area by purchasing property and setting our kids up in the local public school system and becoming a part of the neighborhood by investing in the businesses we love in this area. We love them all and support them all wholeheartedly. We do not want any restrictions on music or dining placed on our neighborhood or these businesses. We do not want any restrictions placed on any new businesses in regards to music or dining. We have invested in our property and in the neighborhood and in a short 1 year period, we have watched as Councilmember Palmer has gone about the task of either rezoning or trying to rezone our neighborhood in interest that we do not see as necessary or fitting for this historic neighborhood. I truly believe that Councilmember Palmer's interest in all these rezoning laws is entirely self interest based. We do not agree with anything that Councilmember Palmer has put forth in regards to the Bywater or Marigny neighborhoods. I am a registered voter in this neighborhood and I will never vote for any councilmembers in the upcoming election for any office who does not vote in the best interest of this neighborhood which in all aspects is anything the Councilmember Palmer is for and has put forth before the council. Please contact me if you have any questions about my opposition to this motion by Councilmember Palmer.

Respectfully,

Jamie C. Gisevius | Senior Consultant, CCM

J.S. Held LLC

110 Cypress Station Drive, Suite 155, Houston, TX 77090

Office 832-446-3905 | Mobile 504-715-1287 | Fax 832-446-3910

[vcard](#) | [email](#) | [jsheld.com](#)



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From: Stephen K. Kroll
Sent: Monday, August 5, 2019 3:45 PM
To: Nicolette P. Jones
Subject: FW: Music ban

Follow Up Flag: Follow up
Flag Status: Flagged

-----Original Message-----

From: karimote33@gmail.com [mailto:karimote33@gmail.com]
Sent: Monday, August 5, 2019 2:35 PM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: Music ban

EMAIL FROM EXTERNAL SENDER

Dear Robert Rivers,

I am writing to you today to oppose the ban on music in backyards and side yards of residences and bars and restaurants.

Music is part of the fabric of our great city and neighborhoods. I have been a resident of the Bywater for four and a half years and to ban our creative rights of expression would ruin this neighborhood. We celebrate life, and death and everything in between with music. It's inconceivable that anyone who loves New Orleans, the birth of Jazz, could even think along these lines.

I would suggest that woman and the people that back her financially move out of the neighborhood if they don't like it, but they don't even live here, so I can't.

Again I vehemently oppose this ordinance, and want you to know those of us who actually live here love that part of our community.

That's why we live, work, pay taxes, plant gardens, play music and celebrate life like no other place in the world.

Thanks for listening.

Kari Mote
3335 N Rampart

Sent from my iPhone

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 3:57 PM
To: Nicolette P. Jones
Subject: FW: OPPOSITION

Follow Up Flag: Follow up
Flag Status: Flagged

From: Robert D. Rivers
Sent: Monday, August 5, 2019 3:31 PM
To: Stephen K. Kroll <skroll@nola.gov>
Subject: FW: OPPOSITION

From: Casey Burka [<mailto:casey@benburka.com>]
Sent: Monday, August 5, 2019 2:09 PM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: OPPOSITION

EMAIL FROM EXTERNAL SENDER

I am strongly opposed to the ban of outside food and music. This take away what makes New Orleans great



Casey Burka
[1900 Cadiz Street, Suite A](http://1900cadizstreet.com)
[New Orleans, LA 70115](#)
(504) 301-1002
Licensed by the Louisiana Real Estate Commission

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 4:31 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19 -- Opposition to ban on outdoor dining and music

Follow Up Flag: Follow up
Flag Status: Flagged

From: Chris Andrews [<mailto:codexarcanum@gmail.com>]
Sent: Monday, August 5, 2019 4:23 PM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19 -- Opposition to ban on outdoor dining and music

EMAIL FROM EXTERNAL SENDER

Mr. Rivers:

As a resident of the Marigny neighborhood, I am opposed to the proposed ban on outdoor dining and music for businesses in my (and adjacent) neighborhoods. This ban hurts current and future businesses in the area, and damages the music and food culture that is so critical to life in NOLA. I'm shocked that such an anti-cultural measure would even be considered by the Commission.

Thank you,

--
Chris Andrews
(337) 247-4860

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 4:29 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: andrew stark [<mailto:astark09@gmail.com>]
Sent: Monday, August 5, 2019 4:06 PM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

Mr. Rivers,

Please do not allow zoning in Bywater to be amended to disallow outdoor dining and music.
Thank you.

Andrew Stark

Bywater Resident

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 4:29 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

-----Original Message-----

From: suzanne@curenola.com [mailto:suzanne@curenola.com]
Sent: Monday, August 5, 2019 3:58 PM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

Hi Mr Rivers,

My name is Suzanne, I'm the manager of Cane and Table in the quarter and have recently been looking into renovating the former Oxalis space at Louisa and Dauphine when this proposal came across my desk.

Obviously, I think it would be a huge mistake to take outdoor space away from potential restaurants. This is a cultural attack on the New Orleans way of life as well as a economic attack on any new small business owner. My guess is that if this passes, the Oxalis space will sit empty for as long as the ordinance is in effect. No one would be able to generate enough revenue without the courtyard seating. That equates to choosing 4000 square feet of rat habitat instead of a space for neighbors to congregate, enjoy the smell of jasmine with a glass of wine, and eat delicious food.

I do understand people wanting a quiet yard, however there are much more reasonable measures to take such as taller fences or curfews for music.

Thanks for your time,
Suzanne

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 4:29 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: Ben F [<mailto:benfurtick@gmail.com>]
Sent: Monday, August 5, 2019 3:45 PM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

Good afternoon, Mr. Rivers

My intention with this correspondence is to document my opposition to Councilmember Kristin Gisleson Palmer's intention to amend zoning in the historic Marigny / Tremé / Bywater area since I will be unable to attend the hearing to comment in person. As a registered voter in Councilmember Kristin Gisleson Palmer's district, I feel it is my civic duty to comment on this issue.

This amendment would essentially ban outdoor dining and music in this historically mixed use area. This will have a significant and detrimental impact on the unique New Orleans culture that is currently a positive feature in these neighborhoods. Proponents of the amendment argue that since current businesses would be able to continue to operate as they currently do, that they and the community will not be negatively impacted by the change. That stance is factually inaccurate, as it will not only prevent new business from operating on a level playing field, it would cause the existing businesses to lose their current use of these spaces if they cease operating for a period of time and then reopen at a later date. As we learned with Katrina, it is a very realistic possibility that a business may have to temporarily close due to a hurricane.

I have not seen it made clear the exact nature behind the desire for this amendment to be made, but it seems apparent that it is in supposed benefit of current and future residents that could be potentially bothered by the noise created by outdoor dining and music. Outdoor dining and music is a defining feature of this area - if the affected residents are so negatively impacted, why are they living in an area that is known for outdoor dining and music? That is analogous to moving next to a school and then complaining that there are too many children around. Instead of making this area conform to be bland and quiet like the suburbs, we need to protect and foster the things that make it a cultural hub.

Protecting and preserving our cultural is a financial imperative for the city council. Without our culture, we not only risk losing the significant role that tourism plays in our economy, but then residents will leave the city and negatively impact tax revenue.

Thank you sincerely for your consideration,

Ben Furtick
District C Constituent

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 3:47 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: Matthew McLaren [<mailto:mcclarenlawfirm@gmail.com>]
Sent: Monday, August 5, 2019 2:17 PM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

As a resident of the Bywater/Marginy I am appalled that we would try to curb the very cultural life line that courses through our neighborhood. This area is and has been known for its local music and its appeal to those tourists in town looking for traditional New Orleans experiences. To hinder this essence of the neighborhood with an unnecessary ordinance just shows how short sighted our elected officials are being. If new residents to the area are upset with the music in the neighborhood perhaps they should consider living in an area of the city not known for the cultural richness present in the Marigny/Bywater Area. Let's embrace and celebrate our uniqueness not hinder it because some Air BNB guests or transplants from other states are unfamiliar with the neighborhood. At some point we need to remember that when we change the cultural fabric of our city we begin to kill the very spirit that so many of us New Orleanians cite as the very reason we choose to live in this wonderful hellhole.

--

Sincerely,

Matthew J. McLaren
540 Broad Street
New Orleans, LA 70119
504-264-9492 (office)
504-237-7853 (cell)
(888) 778-7357 (fax)

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Esq. does not assume any responsibility for changes made to this e-mail message and any attachments after transmission.

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 3:46 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: Aaron Kazanoff [<mailto:aaron@benburka.com>]
Sent: Monday, August 5, 2019 2:30 PM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

Hello,

I am writing to highlight my OPPOSITION to the proposed new legislature banning outdoor dining and music in Historic Core non-residential neighborhoods.

The outdoor music and cultural scene found throughout the Bywater and other historic neighborhoods in New Orleans is an essential part of what makes the areas culturally significant. This new legislature will set back all of the cultural values created over the many years of outdoor music and entertainment.

Thanks,

Aaron



Aaron Kazanoff
1900 Cadiz Street, Suite A
New Orleans, LA 70115
(504) 301-1002
Licensed in the State of Louisiana

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 3:46 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: Tabitha McCullough [<mailto:tabitha@benburka.com>]
Sent: Monday, August 5, 2019 2:31 PM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

I would like to express my opposition to ZD 80/19.

As a property manager to several residential and commercial properties in the neighborhood, I wanted to express how detrimental I feel this will be to the community. I am opposed.

Thank you, Tabitha



Tabitha McCullough
1900 Cadiz St., Ste A
New Orleans, LA 70115
(504) 301-1002

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 4:29 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19.

Follow Up Flag: Follow up
Flag Status: Flagged

From: Russ Mercado [<mailto:barredux@gmail.com>]
Sent: Monday, August 5, 2019 3:44 PM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19.

EMAIL FROM EXTERNAL SENDER

Dear Mr. Rivers,

My name is Russell Mercado and my family owns the business known as Bar Redux located at 801 Poland ave. here in Bywater. I am writing to you to express my opposition to the absurdity of this proposal. My Family and I have struggled for 5 years to establish our business on a corner that had been a hotbed of crime and vagrancy. We are located right next door to the abandoned navy base. We are a very small business and we rely on our outdoor seating to make ends meet. Without it we'd be forced to close. New Orleans and the state of Louisiana are funded by the tourism industry and restrictive changes like this have the possibility of disrupting the economy of our state. With all the lovely parishes in our state why live in Orleans parish, the heart of our tourism driven economy, why would we want to change it into Metairie or Kenner. If bucolic is the lifestyle someone prefers they should live somewhere more to their liking and not try to change the culture and vitality of so unique a community. thanks for your consideration.

Russell Mercado
Bar Redux
801 Poland Ave.
New Orleans , LA.,
70117

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 4:30 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: Christopher St John [<mailto:chris@capuletbywater.com>]
Sent: Monday, August 5, 2019 4:12 PM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

Hi there,

I just wanted to say as a many year resident and now business owner in the Bywater I think that the ban on outside music and dining is detrimental to the success of businesses in the Bywater. It would drastically hurt any new business that wanted to open for instance the building where Oxalis was, or a business that suffers like the Sneaky Pickle who had to close for 6 months after a fire. Bachhanal alone brings so many visitors to the neighborhood who then discover other businesses nearby. It is also obvious as a business owner that people want outdoor dining, both tourists and residents alike. It is an assault on the culture of the city and the neighborhood. Please stop this measure.

-Chris St John

--

CAPULET
504-507-0691
www.capuletbywater.com
Instagram: [@capuletbywater](https://www.instagram.com/@capuletbywater)
Facebook: [Capulet](https://www.facebook.com/Capulet/)
[3014 Dauphine St](https://www.google.com/search?q=3014+Dauphine+St+New+Orleans+LA+70117)
[New Orleans, LA 70117](https://www.google.com/search?q=3014+Dauphine+St+New+Orleans+LA+70117)

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 3:57 PM
To: Nicolette P. Jones
Subject: FW: ZD80/19

Follow Up Flag: Follow up
Flag Status: Flagged

-----Original Message-----

From: Stuart Grannen [mailto:freshpondstuart@icloud.com]
Sent: Monday, August 5, 2019 1:58 PM
To: Robert D. Rivers <rdrivers@nola.gov>
Cc: Adrian Mendez <amendez@bacchanalwine.com>
Subject: ZD80/19

EMAIL FROM EXTERNAL SENDER

Dear Mr Rivers,
I am the proud property owner at 710 Poland St. and 4315 Royal St. I am unequivocally opposed to any ruling that would ban outdoor music or dining in our beloved neighborhoods. This proposed motion to amend our zoning is an affront to all that is wonderful and life giving to our neighborhood, home and frankly, our city and state. In fact, from a strictly financial point of view it is absurd since it would be taking tax revenue away from the citizens of New Orleans.
Please hear my voice and the voice of our vibrant neighbors and support outdoor live music and dining.
Thank you very much,
Stuart Grannen.

Sent from my iPhone

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 4:30 PM
To: Nicolette P. Jones
Subject: FW: ZD80/19

Follow Up Flag: Follow up
Flag Status: Flagged

From: JOHN ANDREWS [<mailto:wehatecomputers@cox.net>]
Sent: Monday, August 5, 2019 4:10 PM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: ZD80/19

EMAIL FROM EXTERNAL SENDER

Dear Mr. Rivers, Please support Councilwoman Palmers ordinance to curtail usage of back and side yards of commercial properties that abut residential uses. This ordinance will NOT stop present businesses from using their yards but will protect residents from future usages. Examples of businesses that utilize their yard space such as Bachannal and Parlow Beer Pub have caused noise problems for neighbors to the point where several homeowners ended up selling their homes after Bachannal started having music and out door dining. Residential property owners should have the right to use their homes in a tranquil and peaceful manner and should not be forced to have parties , music etc. forced upon them. Thank you. John W. Andrews

John or Beverly Andrews

From: Stephen K. Kroll
Sent: Monday, August 5, 2019 4:28 PM
To: Nicolette P. Jones
Subject: FW: outdoor dining in Bywater

Follow Up Flag: Follow up
Flag Status: Flagged

From: Lanie Dornier [<mailto:ldornier22@gmail.com>]
Sent: Monday, August 5, 2019 3:33 PM
To: Robert D. Rivers <rdrivers@nola.gov>
Subject: outdoor dining in Bywater

EMAIL FROM EXTERNAL SENDER

Hello

I have been informed, I hope wrongly, that Councilmember Palmer plans to recommend a ban on all outdoor dining/entertainment in Bywater (and other neighborhoods).

As a resident of Bywater I am opposed to this ban. In previous discussions I understood Councilmember Palmer to say it was banning any NEW outdoor dining/entertainment venues to protect expansion of outdoor dining/music in these historic neighborhoods. We have several outdoor dining and music venues in Bywater that ADD to our neighborhood and it would be harmful to remove these venues. As an example, Bacchanal has become a desirable eating and music establishment that brings visitors to our neighborhood. This ban, if for all venues, would be detrimental to many well established venues in our neighborhood.

Please get neighbor input prior to voting on this ban.

--
Lanie Dornier
818 Bartholomew

Stephen K. Kroll

From: Sabine E. Lebailleux
Sent: Thursday, June 13, 2019 4:46 PM
To: Stephen K. Kroll
Subject: FW: Feedback re: Motion M-19-238

Stephen,

Just got this on desk duty. Do you know which zoning docket that email is referring to?

From: CPCinfo
Sent: Thursday, June 13, 2019 12:39 PM
To: Sabine E. Lebailleux <slebailleux@nola.gov>
Subject: FW: Feedback re: Motion M-19-238

From: Winston Fiore [<mailto:winstonfiore@gmail.com>]
Sent: Thursday, June 13, 2019 9:56 AM
To: CPCinfo <CPCinfo@nola.gov>
Subject: Feedback re: Motion M-19-238

EMAIL FROM EXTERNAL SENDER

Dear CPC Staff,

I recently came across Motion M-19-238. My understanding is that this would mostly target instances of live music, but I've also come to understand that this would impact outdoor seating for restaurants. While I broadly support reform here, I'm hoping a common-sense clause can be inserted to exempt restrictions in instances where the owner of a commercially zoned property also owns all abutting residentially owned properties, especially if said properties are vacant. Thank you for your time and consideration. Kind regards,

 **Winston Fiore**
Sgt, USMC
smiletrek.org

From: Stephen K. Kroll
Sent: Tuesday, August 6, 2019 12:24 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19 OPPOSE AMENDING ZONING

Follow Up Flag: Follow up
Flag Status: Flagged

Received before deadline

From: Robert D. Rivers
Sent: Tuesday, August 6, 2019 12:04 PM
To: Stephen K. Kroll <skroll@nola.gov>
Subject: Fwd: ZD 80/19 OPPOSE AMENDING ZONING

Sent from my iPhone

Begin forwarded message:

From: Kathleen Latham <misgeorge@aol.com>
Date: August 5, 2019 at 4:41:40 PM CDT
To: <rdrivers@nola.gov>
Subject: ZD 80/19 OPPOSE AMENDING ZONING

EMAIL FROM EXTERNAL SENDER

Oppose amending zoning to ban outdoor dining & music.

KATHLEEN H LATHAM
Sent from my iPhone

From: Stephen K. Kroll
Sent: Tuesday, August 6, 2019 12:24 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

Received before deadline

From: Robert D. Rivers
Sent: Tuesday, August 6, 2019 12:04 PM
To: Stephen K. Kroll <skroll@nola.gov>
Subject: Fwd: ZD 80/19

Sent from my iPhone

Begin forwarded message:

From: Jonathan Wigand <office@jmfcpa.com>
Date: August 5, 2019 at 4:27:26 PM CDT
To: <rdrivers@nola.gov>
Subject: ZD 80/19
Reply-To: <office@jmfcpa.com>

EMAIL FROM EXTERNAL SENDER

I am writing to oppose Councilmember Kristen Gisleson Palmer's motion to re-zone the Bywater. My understanding of her motion is that it will ban venues from providing outdoor seating or entertainment if their property is adjacent to a residential space.

This zoning clearly won't work because EVERY commercial and mixed use space in the Bywater is adjacent to a residential property. New Orleans is a neighborhood-oriented city precisely because it has never been zoned the way other cities are – allowing small community businesses to develop in the actual communities they wish to serve, rather than being forced to purchase property on the outskirts. Councilmember Palmer's motion would negatively impact every restaurant and music venue in the Bywater with any outdoor space at all. These venues are a huge part of what makes the Bywater a desirable place to live in the first place. Newcomers get excited about our neighborhood because it is more than just a bunch of houses. You can walk from your house to a bar or a restaurant or a pool/cabana or a night club or a market. Sometimes all these things are within a block.

Offhand I can think of several specific business which drive the majority of tourism and business traffic in the Bywater and would be forced to either close or seriously alter their business strategy should these changes take effect:

Bacchanal
The Country Club
Parleaux Beer Lab
The Joint
Junction
Red's Chinese

Furthermore, it seems to me that Councilmember Palmer's motion is a solution without a problem. I assume at least some of her constituents have complained to her about noise, but I don't believe that those complaints represent a majority of the residents of our neighborhood. I don't believe that noise pollution is really much of a problem in the Bywater. I would bet that the majority of Bywater residents would miss the above establishments should they be forced to close more than they bemoan the noise that emanates from them.

Rather than issue a moratorium on outdoor entertainment, I think the time should be taken to establish what the actual needs and desires of the neighborhood are. Survey residents about what they think will best improve the neighborhood. I don't think that Councilmember Palmer is speaking for the majority of residents when she proposes such drastic and unnecessary zoning changes. She certainly doesn't speak for me.

Jonathan Wigand

From: Stephen K. Kroll
Sent: Tuesday, August 6, 2019 12:24 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

Received before deadline

From: Robert D. Rivers
Sent: Tuesday, August 6, 2019 12:03 PM
To: Stephen K. Kroll <skroll@nola.gov>
Subject: Fwd: ZD 80/19

Sent from my iPhone

Begin forwarded message:

From: Sam Price <nolabassist@yahoo.com>
Date: August 5, 2019 at 4:44:28 PM CDT
To: "rdrivers@nola.gov" <rdrivers@nola.gov>
Subject: ZD 80/19
Reply-To: "nolabassist@yahoo.com" <nolabassist@yahoo.com>

EMAIL FROM EXTERNAL SENDER

As a resident of one the most unique and historic neighborhoods in New Orleans, I am writing to express my opposition (and quite frankly, disgust) at the planned attempt to homogenize the Bywater by creating laws against live music and dining in outdoor spaces.
Anyone who truly appreciates and 'gets' the special beauty and vibe of New Orleans and its culture should understand why this proposal would be destructive to the our community.

I plan to join the overwhelming majority of Bywater residents in fighting this, if necessary.

Sincerely,
Sam Price
Bywater
504-669-1546

[Sent from Yahoo Mail on Android](#)

From: Stephen K. Kroll
Sent: Tuesday, August 6, 2019 12:23 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

Received before deadline

From: Robert D. Rivers
Sent: Tuesday, August 6, 2019 12:03 PM
To: Stephen K. Kroll <skroll@nola.gov>
Subject: Fwd: ZD 80/19

Sent from my iPhone

Begin forwarded message:

From: fleuxdelis <fleuxdelis@gmail.com>
Date: August 5, 2019 at 4:52:52 PM CDT
To: <rdrivers@nola.gov>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

Robert,

I am writing in support of the amendment to ban outdoor dining in any rear yard, or side yard of commercial and mixed-use properties that abut residential properties in the Bywater.

This neighbourhood is changing and if there are certain ways that we can preserve what we already have that I agree with, I will voice that.

Thank you.

Gilbert Chong
Piety and Royal

From: Stephen K. Kroll
Sent: Tuesday, August 6, 2019 12:24 PM
To: Nicolette P. Jones
Subject: FW: ZD 80/19

Follow Up Flag: Follow up
Flag Status: Flagged

Received before deadline

From: Robert D. Rivers
Sent: Tuesday, August 6, 2019 12:04 PM
To: Stephen K. Kroll <skroll@nola.gov>
Subject: Fwd: ZD 80/19

Sent from my iPhone

Begin forwarded message:

From: Ainsley Matich <atmatich@icloud.com>
Date: August 5, 2019 at 4:38:01 PM CDT
To: <rdrivers@nola.gov>
Subject: ZD 80/19

EMAIL FROM EXTERNAL SENDER

Dear Robert D. Rivers,

As a homeowner in the Bywater area of New Orleans, I oppose the new zoning measure that has been proposed by councilwoman Palmer, which restricts music and outdoor dining. This is another measure to choke the culture out of New Orleans, and as a local musician, it's heartbreaking to see y'all continually try to push through these measures so quickly that it's hard for the community to respond in a timely manner. I hope that you will reconsider this zoning measure, and if your intent is truly to serve the people of this city, that any future measures will have space for open, community discussion.

Thank you,

Ainsley Matich